

Coxe Publication Fund

PROCEEDINGS

AND

COLLECTIONS

OF THE

WYOMING HISTORICAL AND GEOLOGICAL SOCIETY,



VOLUME XX.

WILKES-BARRÉ, PA
PRINTED FOR THE SOCIETY,
1929

PRICE, \$5.00

UNIVERSITY
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Coxe Publication Fund

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OF THE

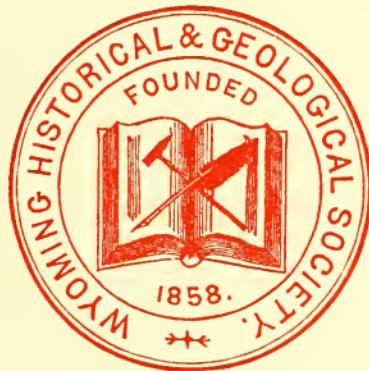
WYOMING HISTORICAL AND GEOLOGICAL SOCIETY,

1888

FOR THE YEARS 1925 AND 1926.

EDITED BY

FRANCES DORRANCE, Director.



VOLUME XX.

WILKES-BARRÉ, PA.
PRINTED FOR THE SOCIETY.

THE E. B. YORDY CO.
1929.

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THE WYOMING HISTORICAL AND
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PREFACE TO VOLUME XX

The appearance of this volume of the Society's Proceedings and Collections has been delayed until the accumulated income from the now inadequate Publication Fund would warrant the undertaking.

The one benefit of the delay is the addition of Mr. Julian P. Boyd to the Editorial Staff and the inclusion of his first work, the editing and reprinting of the rare old pamphlet "Susquehanna Title—Stated and Examined", a contemporary defense of the Connecticut cause in Pennsylvania. This pamphlet, published anonymously, proved an interesting field of research, yielding many unexpected contributions to the subject of the Connecticut Migration into Pennsylvania.

The policy of reprinting scarce local pamphlets, followed by many of the leading historical publications, is a new departure for this Society, which will doubtless add importance and interest to our "Proceedings and Collections."

Mr. Boyd is on the staff of the Society, primarily to edit the Sheldon Reynolds Memorial Fund Series made possible by the gift of Colonel Dorrance Reynolds for the locating, editing and publication of all possible source material relating to all phases of this fundamental epoch in our local history. It is expected that there will be at least twelve volumes in the series.

FRANCES DORRANCE,
ERNESTINE MARTIN KAEHLIN,
JULIAN P. BOYD,
WILLIAM N. SCHANG,
Publishing Committee.

THE WYOMING HISTORICAL AND GEOLOGICAL SOCIETY,

WILKES-BARRE, PENNSYLVANIA.

Organized 1858.

The Library and Museum Collections are housed in the Historical Society Building, next to the Osterhout Free Library, as provided by the will of Isaac S. Osterhout.

The library contains about 40,000 volumes and pamphlets, including United States and Pennsylvania Publications; on biography, genealogy, general American and local Pennsylvania history, geology, and the American Indian. It receives many historical, ethnological and genealogical magazines. It has a large collection of rare old manuscript records and papers, early and nearly complete files of local newspapers and hundreds of photographs of local places and people. There is also a large collection of local and general maps.

The museum contains collections of 45,000 archeological, geological and ethnological objects, including the Lacoë collection of fossils, thousands of relics of the American Indian and hundreds of local antiques, furniture, household utensils, implements, relics of all American wars in which local men have served, etc. There is also a small but representative collection of local birds.

The library and museum are open to the public daily from 10:00 a. m. to 5:00 p. m.

The Society has published nineteen volumes and many pamphlets.

Lectures are given at least four times a year by noted speakers of local or national reputation. All lectures are open to the public.

The members receive all publications and privileges free.

Gifts of Indian relics, geological specimens, local antiques, photographs and particularly old papers and records of all kinds are greatly desired by the Society. Also relics of all American wars and of the European war and any articles of present or of future historic value. Loan exhibits are welcomed. They will be promptly acknowledged and carefully preserved and exhibited.

Address,

Wyoming Historical and Geological Society,

Wilkes-Barré, Pennsylvania.

FORM OF BEQUEST.

I give and bequeath to the "WYOMING HISTORICAL AND GEOLOGICAL SOCIETY," the sum of (*here state the sum to be given*), for the use of said Society absolutely.

FORM OF DEVISE.

I give and bequeath (*here describe the real estate to be given*), unto the "WYOMING HISTORICAL AND GEOLOGICAL SOCIETY," its successors and assigns forever.

The Society will be glad to receive any parts of Volume I, and all copies of Volume XVI, that members may be willing to spare.

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REPORTS AND COLLECTIONS OF THE Wyoming Historical and Geological Society

Volumne XX

WILKES-BARRÉ, PA.

1929

PRESIDENT'S REPORT FOR 1925.

While the past year records no spectacular departure in the work of the Society, it has been marked by steady growth.

The experiments of 1923-1924, of keeping the building open through August, of maintaining a community calendar to register in advance all local events of a general, social or educational importance for the benefit of those planning such attractions; and writing letters offering help and asking for records for family reunions, have met with returns of interest and co-operation which have warranted incorporating them into the regular work of the Society.

The need of space and of funds has not been pressed upon public attention, as local financial and economic conditions, the many drives for large sums of money and the stringency due to the prolonged coal strike, would have made any added demands upon the community ill-advised and profitless.

The importance of public recognition becomes more apparent with each year's progress. The increased number and value of the gifts, the generous co-operation of other organizations and best of all, the many requests for assistance both from local and outside students and organizations definitely prove the widening circle of usefulness.

Unexpected recognition has come in articles in the local papers, appreciative of the value of the Society's work and of its progressiveness in bringing here in their early development scientific inventions, such as the Color Organ, which has since become internationally recognized.

The lists of gifts, loans and deposits, which follow this report, indicate the widespread interest taken in the work and collections of the Society. The most encouraging evidence of local recognition of the valuable work of the Society is the increase of the annual appropriation made by the County Commissioners from \$200.00 to \$500.00, which is stimulating in its proof of approval and its widening of possible undertakings.

Statistics are often most illuminating. The total attend-

ance of visitors to the Society in 1925 was appreciably greater than in 1923 and considerably fewer than in 1924. The greater part of the loss came in May, thus distinctly proving that such special exhibits as the Log Cabin, of May, 1924, are needed for the growth in recognition of the Society, and in return of visitors and gifts of exhibited material are worth the time and effort expended on them.

Marked growth over 1924 is shown in the 26 per cent. increase in those coming to study the books and collections of the Society and in the doubling of the number of school classes brought to the museum for study and the arousing of interest in local history.

For the library collections, there has been a gain of 16.6 per cent. in the number of books catalogued, seven hundred volumes, while many hundred pamphlets have been received, often the only source of valuable historical material on some special subject, or family history. As in 1924, only one-third of these books were purchased, but of the remaining two-thirds, 40 per cent. were gifts, and 25 per cent. exchanges, instead of almost exactly one-third of each in 1924, so that the growth came as gifts, indicating confidence and appreciation of the work. Of the seven hundred books, 188 were genealogies and biographies (27%), 199 local, county, and church histories (28%), 20 regimental histories (3%), 75 general American history (11%), 29 geology (4%), 37 American Indian and archaeology (5%), 67 publications of other Historical Societies (10%), while 85 are miscellaneous in character (12%). Among these books 27 are of a type intended or useful for work with children or schools. In 1925 there were 1531 Government Public Documents received, 99 bound and 1432 unbound. The following lists indicate the kinds of books received:

GENEALOGIES—AMERICAN, SCOTCH, AND ENGLISH.

Providence B. M. & D. records, 22 volumes.

Shumaker: Descendants of Henry Keller.

Cox: Oyster Bay town records, 1653-1704, 2 volumes.

Holmes: Directory of the ancestral heads of New England families, 1620-1700.

Gardiner: Lion Gardiner and his descendants.

Noyes: Genealogical record of some of the Noyes descendants, 2 volumes.

Sellers: Sellers family of Pennsylvania.

Eckenrode: List of the colonial soldiers of Virginia.

- Aby: The Ebi, Ebie, Aby, Eaby, Eby families, 4 volumes.
- Carpenter: A genealogical history of the Rehoboth branch of the Carpenter family.
- Haupt: The Haupt family in America.
- Pershing: The Pershing family in America.
- Alexander: The St. John genealogy, 2 volumes.
- Roberts & Ely: Early Friends families of Upper Bucks.
- Maryland calendar of wills, 1732-1738.
- Jones: History of St. Peter's Church in Perth Amboy, N. J. (genealogies).
- Vital records of Milton, Mass., 1662-1843.
- Randall: Tripp genealogy.
- Shoemaker: Five typical Scotch Irish families.
- Solly: Index of hereditary English, Scottish, & Irish titles of honour.
- Mackenzie: Woodruff genealogy.
- Harding: The Hardings in America.
- Clark: A list of pensioners of the war of 1812.
- Banks: The history of Martha's Vineyard, vol. 3 (geneal.)
- Dickerman: Dickerman genealogy.
- Higgins: Richard Higgins & his descendants. 2 volumes.

AMERICAN HISTORY COLLECTION.

- Maryland Historical Society: Archives of Maryland.
- Lefferts: The settlement of Pennsylvania.
- Louhi: The Delaware Finns.
- Lindeström: Geographia Americae.
- Brown: Valentine's Manual of New York, new series, 1916-1926 (10 volumes).
- Fitzpatrick: The diaries of George Washington, 1748-1799. 4 volumes.
- Andrews: Connecticut's place in colonial history.
- Hammond, J. M.: Quaint & historic forts of North America.
- Godcharles: Daily stories of Pennsylvania.
- Martin: The 28th division in the World War. 5 volumes.
- Lewis Publishing Co.: Many county histories & biographies of counties in New York, New Jersey, & Pennsylvania.
- Candler: Colonial records of the state of Georgia.
- Cohen: The Jews in the making of America.
- Ferris: A history of the original settlements on the Delaware.
- Salisbury Association: Historical collections relating to the town of Salisbury (Conn.) 2 volumes.

GEOLOGICAL COLLECTION.

- Cushing : The human story of coal.
 Bowen : Coal & coal oil.
 Jeffrey : Coal & civilization.
 Summers : Anthracite & the anthracite industry.
 Porter : Coal carbonization.
 Devine : Coal.
 Wyer : The Smithsonian Institution's study of natural resources applied to Pennsylvania's resources.

INDIAN COLLECTION.

- Hulbert : Historic highways of America : Indian thoroughfares. 2 volumes. 2nd ed.
 Hanna : The Wilderness trail. 2 volumes.
 Paxson : History of the American frontier, 1763-1893.
 Foster : History of the Indian wars by Clement Downing.
 Curtin : Seneca Indian myths.
 Catlin : Shut your mouth.
 American Museum of Natural History : Guides on the American Indian. 5 volumes.

MISCELLANEOUS.

- Gemmill : The Salem witch trials.
 Espenshade : Pennsylvania place names.
 Johnson : Five plays, and, Vaudeville and blackface. 2 volumes.
 Dunbar : History of travel in America. 4 volumes.
 Calhoun : A social history of the American family. 3 volumes.
 Dexter : Colonial women of affairs.
 Archambault : Guide book of art, architecture & historic interests in Pennsylvania.
 Beeby & Beeby : Community life to-day & in colonial times.
 Bolton & Coe. : American samplers.
 Bigelow : Historic silver of the colonies & its makers.
 Hayward : Colonial lighting.
 Mesick : The English traveller in America, 1785-1835.
 Winter : Combs of all times.

BOOKS FOR WORK WITH SCHOOLS AND CHILDREN.

- Stow : Boys' games among the North American Indians.
 Morris : Stories from mythology : North American.
 von Engeln : The story key to geographic names.
 Pennybacker : A history of Texas for schools.
 Griffith : Westward the course of empire. (plays).

- Poast: Indian names, facts & games for Camp Fire Girls.
Southworth: What the old world gave the new.
Logie: From Columbus to Lincoln.
Crowe: Supplementary studies in American history.
Melody: Supplementary studies in American history.
Leetch: Tommy Tucker on a plantation.
Beeby: How the world grows smaller.
Seton: The birch bark roll of woodcraft.
Leavenworth: The lessons of history.
Orville: American history painting book.
Morton & Watkins: School history of Nebraska.
Holbrook: The book of nature myths.
Britt: The boys' own book of frontiersmen.
Fish: History of America.
Wagner: Pacific history stories.
Price: Short plays from American history & literature.
Ryan: Plays from American history.
Whitman: Navaho tales.
Simons: Washington & Lincoln celebrations.

No especial effort was made during the year to increase the membership, but the following new perpetual memberships mean a substantial permanent addition to the resources of the Society. These are: Benefactor, Mrs. George Shoemaker. Life Members: Mrs. Edward Welles, A. L. Davenport, Lawrence B. Jones, Mrs. Lawrence B. Jones, Julius Long Stern, Anna M. Hunt, R. Jay Flick, Frank E. Matheson.

The passing of time brings the loss of many esteemed members and of their interest, which is keenly felt by the Society. The deaths of George F. Coddington, George W. Leach, Jr., and of Judge John Butler Woodward, deprived us of three members whose ready support and interest could be relied upon in every need. Judge Woodward, son of one of the Founders of the Society, was one of its vice-presidents for many years. The Trustees, to fill out his unexpired term of Vice-President, appointed Abram G. Nesbitt, a generous and interested member and the son of one of the two patrons of the Society. In the death of Alfred F. Berlin, the Society lost one of its most important corresponding members and American Archeology one of its ablest and best-known authorities.

The routine work of the Society includes, besides correspondence, the cataloguing of books, work with students and newspaper publicity, the recording of old cemetery records,

Pennsylvania place names, the community calendar, and circular letters to officers of family reunions, asking for genealogical records. Two valuable manuscript family records have been the result for 1925, one the splendid Ross Genealogy, compiled and presented by K. J. Ross of West Pittston, including material also on many other local families, and the other the full and interesting Cook Family Record, lent the Society for copying by Squire Charles Cook of Dallas. Other such local family histories are much desired for the large manuscript genealogical file, which is a store-house of help to the genealogical students who come from adjacent and distant states to use our recognized valuable collection or write in for information.

Two especially noteworthy gifts have come during the year. One, a signed letter, written by George Washington to Francis Hopkinson, in regard to the painting of Washington's portrait by Robert Edge Pine, 1785. This gift beyond price for an American Historical collection is from the Griffith family of West Pittston. The second is an extensive collection of Indian articles, embroideries, necklaces and photographs from the Western Tribes given by a member of the Society. This magnificent collection, now on exhibit in the Society's building, fills a gap in the ethnological material in the museum.

The local church history collection is greatly enriched by the large album of water color sketches of all the churches in the Lackawanna Presbytery—1904—by The Rev. Peter H. Brooks, given the Society by his children, Allan C. Brooks, M. D. and Mrs. Edward Ferry.

The direct return in the use of the old documents and records came when a student found in John Sturdevant's "Surveyor's Note-book", given the Society by his granddaughter, Jessie T. Sturdevant, the exact information needed in a law suit.

Birds being especially attractive to children, these young visitors have appreciated a case of blue jays, given by Mrs. Andrew Lumley and another of humming birds, collected, mounted and presented by Dr. W. L. Hartman of West Pittston.

Two very valuable deposits of unusual local interest are the old Notary dockets brought in by Walter Vandermark of Wilkes-Barre and the large collection of photographs, engravings, and other views of old houses, buildings and views of Wilkes-Barre and Wyoming Valley made by the late Francis

A. Phelps and lent by Mrs. Phelps. These were exhibited in May in connection with a "Better Homes" campaign and now stored with the Society.

Other exhibits during the year included a loan exhibit from the U. S. National Museum, on the Graphic Arts, shown here during March and April. Twelve large screens showed all the processes in the various methods of making reproductions of drawings, paintings, etc., for illustrative and other purposes. In July a representative collection of various types of objects, from the many-sided collections of the late Christopher Wren, Archeologist and Secretary of the Society was exhibited by his sisters, at the request of the Director of the Society.

In October, as being of interest to the delegates of the local convention of the Federated Women's Clubs of Pennsylvania, a large exhibit of samplers was collected. Many rare, handsome and interesting specimens were lent and much interest manifested in them by the public.

While no one exhibit equalled in general appeal the Log Cabin of 1924, the response and interest displayed in all five of the exhibits more than repaid the Society for the time spent in arranging and advertising them.

A break in the regular order of work came during the summer when the Librarian, Miss Kaehlin, with extended leave of absence, spent a month in Switzerland with her relatives and Miss Brooks, the Assistant-Librarian, did three weeks special work in the New York State Library. Miss Miriam Farley, student at Mount Holyoke, worked two months as a special assistant, paid by the Director (personally). She catalogued the invaluable collection of the Charles Miner papers and helped efficiently in other special and regular work, such as the shifting of the books, after the purchase of a large section of book shelves.

Five lectures were given under the auspices of the Society and all were largely attended. In January Dr. Paul Kammerer of Vienna, lectured on the "Inheritance of acquired characteristics"; in March John T. Ryan gave "Some observations on mining in Europe"; in April I. T. Frary of the Cleveland Museum of Art lectured on "Early architecture of the United States". In May an illustrated lecture for children was given by G. Clyde Fisher of the American Museum of Natural History on "Wild Animals near home". Giant power being a subject of immediate importance to Pennsylvanians,

in September Dr. Frederick H. Newell of Washington gave an illustrated lecture on the subject before the Society.

The Director of the Society was requested to speak at the annual meeting of the Susquehanna County Historical Society and Free Library Association on April 3rd. Her subject was the "Romance of local history, where to find it, how to use it". She also spoke during the year to the pupils of the Wilkes-Barre Institute on "Some things the Wyoming Valley owes its women". In July she spoke at the Vandermark family reunion.

The family of the late Henry Blackman Plumb, offered the Society the remaining copies of his valuable History of Hanover Township at a very low price in order to settle their local business. The Director advanced the money for this purchase, to be repaid from the sales.

During the summer, the Director purchased for the Society the regalia of the Sioux Indian Chief Sitting Bull, and she has had made a portrait figure by U. S. J. Dunbar of Washington, D. C., who has made many similar figures for the American Museum of Natural History and for the National Museum. As our local museum lacks a full Indian costume and has no real Indian figure exhibit, the figure when set up and dressed will be a great addition to the interest of the museum collection.

Of especial interest is the appointment by the Trustees of Dr. A. E. Martin, head of the Pennsylvania State College Department of History, to edit the Susquehanna papers, the publication of which has been entrusted to this Society by the Susquehanna County Society, to whom these papers belong. In addition to those found at Montrose Dr. Martin will incorporate in his study, about one hundred and fifty additional Susquehanna Company papers which he has just found among the collections of rare early papers belonging to a friend in Kansas City. If another editor had been chosen, the existence of these papers might never have been known to us. They cover a period between 1769-1776 and are mostly original letters, written to or by Zebulon Butler, Obadiah Gore and others. An unusually large number of names of early settlers in the Wyoming Valley are mentioned in them in connection with land claims, deeds, etc. In fact they are quite as valuable as the Montrose papers, as they probably have never been examined nor published.

In line with the desire of the Society to promote its work

with children, has been the presentation of the *Chronicles of America* photoplays, through the co-operation of the Yale University Film Service. These fifteen films are being shown on alternate Saturday afternoons at the Y. M. C. A. Until the measles epidemic in January, when these presentations were temporarily suspended, the attendance averaged over six hundred at each presentation. Since the resumption the attendance has averaged four hundred and fifty.

Co-operation with individuals and organizations has resulted in interesting work and extension of the usefulness of the Society and its collections. The I. O. O. F. was helped with cuts and information for a convention program; a student compiling a work on Pennsylvania canals, was given assistance, the motion picture producers, Bosworth, DeFrene and Felton, found considerable material in the collection of coins and paper money, for a film they were making on the counterfeiting of money and precautions taken in preventing it. A large collection of household articles was lent the Wilkes-Barre High School for their "Tabard Inn" exhibition. The outline program for the Historical Tour, made by the delegates to the meeting of Federated Women's clubs was prepared largely by the Society. Some assistance was given the History Commission in the marking of the Ross and the Fell properties. Also the Y. M. C. A. Mining Institute, through the interest of the Exchange Club, was helped in its work by individual study of the Buried Valley model, made by the late William Griffith of West Pittston and also the building was opened one evening, when two classes of the mining students, about seventy, came in a body to study the model and were addressed by W. S. Tompkins on the subject.

In reply to a night letter from Berkeley, California, asking for material on Wilkes-Barré's early history, it was possible to telegraph that the Proceedings of the Society, through exchange, are in the University library, so that the student was at work when the library opened the morning after the request was telegraphed.

The Society published as usual the Proceedings of the Wyoming Commemorative Association for the year, the cost being borne by the Association. Also volume nineteen of our own Proceedings and Collections is now being set up to be distributed as soon as printed. Besides the annual reports for 1923 and 1924, lists of officers of the Society 1858-1925

and the memberships, it will contain the Thiessen Coal article, some cemetery records, and the as yet unpublished and little known diary of Obadiah Gore, while an officer of the Sullivan expedition. The main part of the volume will be the Schrabisch report on the Archeological remains of the Wyoming Valley and vicinity, illustrated with over twenty cuts and forty maps and diagrams. This will be a valuable contribution to American archeology and directly in line with the proposed archeological survey of Eastern Pennsylvania, for which the plans and results of the preliminary paper survey were published in the report for 1924.

This archeological survey was presented to the American Anthropological Association at its annual meeting in New Haven and was endorsed by them in a resolution. Colonel Henry W. Shoemaker made it the subject of his Presidential address at the annual meeting of the Pennsylvania Federation of Historical Societies at Harrisburg in January. The Director was asked to display and describe the map on which had been located the sites reported in the paper survey, nineteen hundred in all. Photostat copies of this map were distributed to the representatives of the various societies and a motion passed that the matter of establishing the fund for the field work and publication be referred to the Executive Committee for consideration. It is hoped that co-operation will be possible with existing societies in the forty-seven counties to be investigated and the raising of the fund by them and through individual subscriptions.

The increasingly close relation with other local and general organizations means a wider field of work and enrichment of the resources for study.

Throughout the year, in every undertaking, the local newspapers have given generous and ready co-operation in the allotment of space for publicity. Their help is not only one of the greatest means for obtaining desired results, it is a direct encouragement to the staff and officers of the Society.

The aims for the coming year are to definitely undertake the archeological survey and to raise a building and endowment fund as conditions may permit, which will provide for the much needed space for expansion and growth and the necessary means for advancing the size and value of the various collections.

A much desired widening of the usefulness of the Society would be the establishment of a fund for collecting books,

photographs and implements, models, etc., illustrating the history of Anthracite coal mining. Frederic E. Zerbey, General Manager of the Kingston Coal Company, and the Society's Curator of Anthracite coal and coal mining, has made a beginning of this coal collection by the gift of a portfolio of several hundred photographs showing the work of his Company from every angle of interest.

The gift or deposit of additional material of every kind representative of the lines of work of the Society will add not only to the value of the collections, but directly extend the use of the Society's resources, which is the main justification of its existence.

GIFTS IN 1925.

GENERAL MUSEUM ARTICLES AND GEOLOGICAL SPECIMENS.

Mrs. Shepherd Ayars: 2 bonnets, glove, veil, bag, silk thread, sock, linen tablecloth.

Dr. Allan C. Brooks: Knight Templar badge.

John Lawrence Cabore: fossil.

Jessie Carrick: shoes, tobacco pouch.

Mervine Clayton: snail shells.

John Curran: rattlesnake rattles.

Thomas E. Dillon: buttons, bullets, medal.

Frances Dorrance: hair jewelry.

East Boston Coal Co.: 2 fossils.

Sarah Dennis: pottery money bank.

Burton Eckert: minerals, pistols, sponge, case.

Mrs. Thomas Ford: quartz crystal.

Charles Gerlock: fossil.

Mrs. S. W. H. Geise: relic.

Kenneth Goode: bomb.

Mrs. W. E. Grier: thread, spectacles, implement.

James Graham: fossil.

Mrs. M. S. Hachita: wedge and awl.

Mayor Daniel Hart: cable and bolt from South St. bridge.

Dr. W. L. Hartman: case of birds.

Oliver C. Hillard: medal, French clock 100 years old, petrified oak.

Charles Hoffman: quartz.

Margaret Hottenstein, Forty Fort, Pa.: doll.

Winthrop Judkins: fossil.

Michael Keiper: stone pendant and fossil.

- Harry Kittle : iron lantern.
Cornelia Koons : mantilla, collar, purse, parasol, 3 needle-books, lamp, workbox, powder horn, pistol.
R. S. Keller, West Pittston, Pa. : fungus growth, Penna. Coal Co. shaft.
John Laning : pistols.
John G. Leidecker : dishes.
John Lumley : clothes wringer.
Robert C. Miner : helmet, rifles, swords, pistols, dagger.
Jesse T. Morgan : iron bar.
M. A. Oppenheim : spinning wheel.
William D. Phelps : hat band, handkerchief.
Mrs. R. B. Reilay : chair.
Mrs. Rosamond Rhone : phosphate rock.
Peter Rimmer : recruiting flag.
M. G. Robbins : pistol.
Estate of Walter Owen Roberts : shells, cabinet, gun and bayonet.
Billie Smith : snail shells.
Myer Strauss : showcase, gun, pictures, rattlesnake skin.
Hon. S. J. Strauss : pewter sugar bowl.
Jessie T. Sturdevant : rifle.
Dr. Lewis H. Taylor : wallet.
Mrs. Henry St. George Tucker : dress and cloth.
Walter Vandermark : copper dish, tongs.
War Mothers, Wyoming Valley Chapter : quilt.
Theodore L. Welles : axe, shark's jaws and bones.
Mrs. George Wiegand : glass liberty bell plate.

INDIAN ARTIFACTS.

- Mrs. Shepherd Ayars : 1 string Navaho beads, beaded head band.
Andre A. Beaumont : Mexican Indian pottery.
Charles Burns : Indian artifacts. (96 pieces).
Walter Carkhuff : arrow point and flint.
Dr. Joseph Kossuth Dixon, Philadelphia, Pa. : 2 Indian pictures.
Frances Dorrance : Apache awl case.
Jean Dougherty : piece of Indian tomahawk.
Burton Eckert : pottery pieces and flints.
Mrs. W. E. Grier : West Pittston, Pa. : 2 Indian flints.
Frank C. Mosier, Pittston, Pa. : Indian relic.
Mildred Parke, Nanticoke : "Celt."

William D. Phelps : Frances Slocum earrings.
Edward Welles, Jr. : Seneca Indian articles.

COINS AND MONEY.

Burton Eckert : 2 bills—Colonial money, Indian head penny, foreign coin.

Thomas E. Dillon : coin with Lord's prayer.

Andre A. Beaumont : 7 pieces old paper money.

Mrs. C. D. Foster : old paper money.

Rosa Troxell : gold coins.

H. B. Schooley : 3 U. S. special half dollars, 1925.

T. H. Atherton : U. S. special half dollar, 1925.

BOOKS, PAPERS, MAPS, PHOTOGRAPHS, ETC.

Dr. Franklin S. Aby, Philadelphia : 4 bulletins.

American Society of Mechanical Engineers, New York : year book.

Eugene L. Armbruster, Brooklyn, N. Y. : book.

Mathew Page Andrews, Baltimore, Md. : book.

Association Press, National Council of Y. M. C. A. : book.

Emil Baensch, Manitowoc, Wis. : book.

Henry Dunster Baker, Washington, D. C. : book.

Edward L. Ballard, New York : book.

Charles P. Band, Toronto, Canada : book.

Marius Barbeau, Toronto, Canada : book.

Theodore S. Barber : transactions, Amer. Institute Mining Engineers.

Mrs. Harriet P. Bardwell, Tunkhannock, Pa. : 3 receipts, 1817, 1820, 1822.

Harry Elmer Barnes, Northampton, Mass. : book.

Viola Florence Barnes, Mount Holyoke, Mass. : book.

Edward Barrett, New York : Lama prayer book.

Elfrida D. Barrow, Savannah, Ga. : book.

Samuel F. Batchelder, Boston, Mass. : book.

Daniel J. Beeby : book.

Dow Beekman, Middleburgh, N. Y. : book.

Laura Palmer Bell, Savannah, Ga. : book.

Perry Belmont, Washington, D. C. : book.

George Payne Bent, Los Angeles, Calif. : book.

Lawrence W. Bevan : 6 vols. Mining Institute Proceedings.

W. E. Billings, North Manchester, Indiana : books.

Robert Warwick Bingham, Buffalo, N. Y. : reports, Buffalo Historical Society.

- George E. Blankenship, Olympia, Wash.: book.
Reginald Pelham Bolton, New York: book.
John Bossler, Berks Co., Pa.: newspaper clippings.
Henri L. Bourdin, New Haven, Conn.: reprints.
Mrs. Ezra Bowen, Bethlehem, Pa.: book.
Louise Bowen, Kingston, Pa.: newspaper clippings.
J. Andrew Boyd: 7 bulletins, 2 books.
Robert K. Boyd, Eau Claire, Wisconsin: book.
Albert Britt, New York: book.
Dr. Allan C. Brooks: magazine, books.
Elmore L. Brooks, Cleveland, Ohio: book.
Bureau of Vocational Information, New York: bulletin.
John F. Burns, Villa Nova, Pa.: book.
Canadian Pacific Railway, Toronto, Canada: book.
Carnegie Institution, Washington, D. C.: index, book.
Edmund Nelson Carpenter: book.
Mrs. Horace Raymond Carpenter, St. Louis, Mo.: book.
Mrs. Henry L. Carr, Scranton, Pa.: records.
Joseph J. Castellini, Cincinnati, Ohio: book.
J. A. C. Chandler, Williamsburg, Va.: book.
Chemical Catalogue Co., New York City: book.
Sampson R. Child, Minneapolis, Minn.: book.
Mrs. Mary Bosworth Clarke, Oakland, Calif.: bulletins.
Jean Henri Clos, Yorktown, Va.: book.
A. J. Cloud, San Francisco, Calif.: books.
Club Women of New York City, New York: book.
Charles Norris Cochrane, Toronto, Canada: book.
Charles J. Cohen, Philadelphia, Pa.: book.
Colonial Dames, Providence, R. I.: historical map of R. I.
"Combustion", New York City: magazine.
Bessie Taul Conkwright, Lexington, N. Y.: book.
Elias T. Connor, Scranton, Pa.: photostat copy of book.
Roy Bird Cook, Charleston, W. Va.: books.
J. I. Corby, New York: book.
First Presbyterian Church, Cortland, N. Y.: book.
Charles Judson Crane, New York: book.
Rev. Edwin Crowell, Yarmouth, Nova Scotia: book.
Edward Everett Dale, Norma, Oklahoma: book.
James J. Davis, Washington, D. C.: book.
John William Davis, Rochester, N. Y.: book.
LeRoy G. Davis, Sleepy Eye, Minn.: book.
Mrs. Reginald DeKoven, New York: book.
Dr. Rudolf Denig, New York: book.

- Edward T. Devine, New York: book.
George Sherwood Dickerman, New Haven, Conn.: books and records.
Dill and Collins Co., Philadelphia, Pa.: book.
Thomas Ray Dille, Morgantown, W. Va.: books.
Thomas E. Dillon, Kingston, Pa.: photographs.
Victor Lee Dodson: old scrap book belonging to Joseph Scranton.
Alexander L. Dommerich, New York: book.
Frances Dorrance: books.
R. Douglas, Ottawa, Canada: book.
Charles H. Bresser, Hartford, Conn.: book.
Dr. W. E. Burghardt, New York: book.
B. L. Dulaney, Washington, D. C.: book.
L. Whitney Elkins, Bangor, Maine: book.
Harold E. Ennis, Ambler, Pa.: book.
Ridgway B. Espy: book.
Harold Underwood Faulkner, Cambridge, Mass.: book.
Mrs. Edward Ferry, Philadelphia: book.
Carl Russell Fish, Madison, Wisconsin: book.
Mrs. Agnes E. Flynn: 4 Easton & Wilkes-Barre Turnpike Notes.
Mrs. Wendell B. Folsom, Exeter, N. H.: bulletins.
Edward R. Foreman, Rochester, N. Y.: World War service records.
Mrs. C. D. Foster: 2 engravings, newspapers, pamphlets, newspaper clippings, etc.
Mrs. Otto Fowle, New York: book.
Mrs. Clarence R. Fox, Lebanon, Pa.: newspaper clippings.
Albert E. Fuller, Madison, S. Dakota: book.
Mrs. Q. A. Gates, Washington, D. C.: Maryland archives.
Susa Young Gates, Salt Lake City, Utah: book.
Myrtle Garrison Gee, New York: book.
William Nelson Gemmill, Chicago, Ill.: book.
Giant Power Board, Harrisburg, Pa.: report.
George D. Gideon, Philadelphia, Pa.: book.
Historical Society of Gloucester Co., N. J.: books.
Hon. Frederick A. Godcharles, Milton, Pa.: book.
Dr. Pliny E. Goddard, New York: books and leaflets.
John Griffin: 25 volumes.
Mrs. J. K. Griffith, West Pittston, Pa.: Washington autograph letter.
Mary Matlock Griffith, Austin, Texas: book.

- Henry Whittemore Grout, Waterloo, Iowa : book.
Dr. Malcolm C. Guthrie : Harrison Wright's signature.
Alfred Cort Haddon, New York : book.
W. J. Harding, Keystone, Iowa : book.
Harper Brothers, New York : book.
Rev. James Oliver Hart, Macon, Ga. : book.
Dr. John Ellsworth Hartzler, Danvers, Ill. : book.
Class of 1894, Harvard College : reports.
Class of 1905, Harvard College : report.
Class of 1910, Harvard College : report.
Robert R. Harvey : 2 volumes.
Mrs. Ruth A. Hatch-Hale, Salt Lake City : book.
Rev. William H. Haupt, Chariton, Iowa : book.
Archibald Henderson, Chapel Hill, N. C. : book.
Oliver C. Hillard : post cards, clippings, pamphlet, map.
Margaret P. Hillhouse, Yonkers, N. Y. : book.
Louis Edward Hills, Independence, Mo. : book.
Arthur Hodges, Baltimore, Md. : book.
Amelia Beard Hollenback, Brooklyn, N. Y. : book.
Anna W. Hollenback : sketch.
Mrs. Bettie E. Smith Hughes, Los Angeles, Calif. : book.
Merrett Y. Hughes, Berkeley, Calif. : book.
Edgar Huidekoper, Meadville, Pa. : chart.
Joseph S. Illick, Altoona, Pa. : book.
Marion Inglewood, Harrisburg, Pa. : book.
E. C. Jeffrey, Cambridge, Mass. : book.
D. Jenness, Ottawa, Canada : books, 5 volumes.
Dora Chinn Jett, Richmond, Va. : book.
Eldridge R. Johnson, Camden, N. J. : book.
Nathan C. Johnson, New York : manuscript notes on Pitts-
ton history.
Norman Johnson : 3 copies of magazine.
Edmund Jones : 3 volumes Proceedings.
David Starr Jordan, Stanford Univ., Calif. : book.
A. M. Jung, Spokane, Wash. : books and catalogue.
Michael Keiper : newspaper clipping.
Anna C. Kingsbury, Needham, Mass. : books, 3 historical
sketches.
Kingston Coal Co. : calendars.
Alfred A. Knopf, New York : book.
Cornelia Koons, Shickshinny, Pa. : 15 books.
J. H. A. Lacher, Waukesha, Wis. : book.
Charles E. Lauriat Co., Boston Mass. : catalogue.

- John Silsbee Lawrence, Salem, Mass.: book.
George W. Leach, Jr., George W. Leach, Jr., Estate: photograph, drawings and 3 portraits.
C. S. Leavenworth, New Haven, Conn.: book.
Dorothy Lyman Leetch, Boston, Mass.: book.
Thomas Henry Leonard, Atlantic Highlands, N. J.: book.
John Frederick Lewis, Philadelphia, Pa.: books.
John L. Lewis, Indianapolis, Ind.: book.
Library of Congress, Washington, D. C.: check list of Hist. Soc. papers.
Maj. Gen. Hunter Liggett, New York: book.
Rev. L. Lindenstruth: programs, book.
Fred Lockley, Portland, Oregon: book.
E. A. Louhi, New York: book.
E. J. Lynett, Scranton, Pa.: book.
W. R. Mattoon, Washington, D. C.: map.
Walter McArthur, San Francisco, Calif.: book.
Charles McCamic, Cleveland, Ohio: book.
Rev. Monroe Vernon, McCombs, N. Y.: book.
Walter F. McEntire, Boston, Mass.: book.
Malcolm S. Mackay, Tenafly, N. J.: book.
Daniel V. McNamee, Albany, N. Y.: book.
Frederick O. Woodruff, Boston, Mass.: book.
Univ. of Maine, Orono, Maine: book.
Edmond S. Meaney, Seattle, Wash.: book.
John Lloyd Mecham, New York: book.
Mercantile Trust & Deposit Co., Baltimore, Md.: book.
Mrs. William R. Mercer, Doylestown, Pa.: report.
Jane L. Mesick, New York: book.
Michigan Evening Dispatch, Michigan City, Mich.: account of Michigan Road.
Charles S. Miles: photograph.
Harry C. Miller: notary public services.
Kenneth D. Miller, New York: book.
Wade Millis, Detroit, Mich.: address.
Meade Minnigerode, New York: book.
Minnesota Territorial Pioneer Association: pamphlets.
Mishawaka Enterprise, Mishawaka, Ind.: clipping.
Bertha Mitchell: book, 5 vol. family Bible.
Ernest Walke Moore, Richmond, Va.: book.
Beatrice Morton, Cincinnati, Ohio: book.
Frank C. Mosier, Pittston, Pa.: 2 volumes, newspaper.

- Industries Publishing Co., New York : book.
Joseph Amasa Munk, Los Angeles, Calif. : book.
Harold Murdock, Boston, Mass. : book.
Gustavus Myers, New York : book.
Natl. Geographic Soc., Washington, D. C. : 42 bulletins.
Univ. of Nebraska Library, Lincoln, Neb. : place names.
Septimus E. Nevin, West Chester, Pa. : book.
Chamber of Commerce, New York : catalogue.
N. Y. Genealogical & Biographical Soc. : book.
New York Times, New York : booklet.
Newark Museum Assoc., Newark, N. J. : 10 pamphlets.
Katharine Stanley Nicholson, Nyack, N. J. : book.
North Carolina Historical Commission, Raleigh, N. C. : 18 pamphlets, 12 volumes.
Henry Northeys, Luzerne, Pa. : old newspaper.
William L. Nye, Sandwich, Mass. : 25 clippings, leaflet.
Eugene Oelschlager, New York : company orders.
Chamber of Commerce, Olympia, Washington : book.
Frank Storey Osgood, Newburyport, Mass. : books, 3 vols.
Florence Orville, New York City : book.
Ottawa, Canada : government documents and reports.
A. C. Park, Fairmount Springs, Pa. : book.
John A. Parsons, Troy, Pa. : book.
Col. Henry D. Paxson, Philadelphia : newspaper clipping.
Dr. Josiah H. Penniman, Philadelphia : book.
University of Pennsylvania, Philadelphia : book.
Pennsylvania Bar Association, Philadelphia : 31st annual report.
Retail Lumber Dealers' Assn., Pittsburgh : booklet.
Pennsylvania State Library & Museum : books and pamphlet.
Mrs. Percy V. Pennybacker, Austin, Texas : book.
Edgar Jamison Pershing, Philadelphia : book.
Frank Hervey Pettingell, Los Angeles, Calif. : genealogical chart.
David L. Pierson, N. J. Society S. A. R. : book.
Gifford Pinchot, Harrisburg, Pa. : books, 5 vol.
Mrs. Laura Ann Young, San Francisco, Calif. : book.
Mrs. Charlotte A. Pitcher, Utica, N. Y. : 2 pamphlets.
Rev. W. G. Polack, St. Louis, Mo. : book.
J. W. Pratt, New Brunswick, N. J. : book.
George W. Price, Jacksonville, Fla. : framed portrait.

- Estate Col. W. C. Price, books, 3 vol.
Olive Price: book.
George Haven Putnam, New York City: book.
Elinor Randall, Freehold, N. J.: books, 2 vol.
Red River Lumber Co., Chicago: pamphlet.
Mrs. Carrie V. Reddick: books, 9 vol.
John B. Reese, Jr.: 2 enlarged photographs.
Mrs. R. B. Reilay: old books, 2 vol.
W. A. Reutelhuber: books & magazines, (27).
Col. Dorrance Reynolds: books, 2 vol.
Mrs. William Gorham Rice, Albany, N. Y.: book.
H. M. M. Richards, Lebanon, Pa.: book.
Mrs. R. S. Riley, Worcester, Mass.: books, 2 vol.
K. J. Ross, West Pittston: book (typewritten-bound).
Hanford Robison, Schenectady, N. Y.: book.
A. Roggenburger, Philadelphia: 5 books & 1 pamphlet.
Mrs. Walter R. Robbins, Newton Centre, Mass.: book.
O. M. Robidoux, Iowa City, Iowa: book.
Row, Peterson & Co., Chicago: book.
Dr. H. K. Rowe, Newton Centre, Mass.: book.
William Hutchinson Rowe, Yarmouth, Maine: book.
Louis Barcroft Runk: book.
F. J. Rupert, Salem, Oregon: book.
Mrs. Henry A. Rusch, Oyster Bay, N. Y.: book.
C. E. Rusk, Boston, Mass.: book.
Robert Royal Russell, Ph. D., Kalamazoo, Mich.: book.
Mrs. Leslie Ryman: book.
Edwin L. Sabin, La Jolla, Calif.: book.
Lucy M. Salmon, Poughkeepsie, Pa.: 4 pamphlets.
Charles Francis Saunders, Pasadena, Calif.: book.
Frederick F. Schrader, New York City: book.
Mrs. J. F. Seebach, Philadelphia: book.
Edwin Jaquett Sellers, Philadelphia: book.
Seventy-first Infantry: book.
Mary A. Sharpe: books, 4 vol.
Albert Shaw, New York City: books, 2 vol.
Mrs. Esther Shephard, Seattle, Wash.: book.
Col. Henry W. Shoemaker, New York: book.
Jane A. Shoemaker: 2 framed engravings, book.
Mrs. Ira H. Shoemaker, Albany, N. Y.: book.
Chester Hale Sipe, Butler, Pa.: book, clipping.
Addison T. Smith, Idaho: book.
Edward U. Smith, Williamsport, Pa.: book.
H. S. Smith: 11 photographs, 12 old papers, 2 circulars.
Mrs. Riter T. Smith: old newspapers & magazines.

- Roylance S. Smith : pamphlet.
B. R. Thomas, South Bend, Ind. : book.
University of South Carolina : book.
John Van Duyn Southworth, Syracuse, N. Y. : book.
Rev. L. L. Sprague, D. D. : 3 pamphlets.
Gust. S. Staley, Yakima, Wash. : book.
Standard Oil Company, N. Y. : book.
Nelson M. Stetson, Campello, Mass. : book.
James Stevens, New York City : book.
Frank H. Stuart, Philadelphia : book.
George Stewart, Jr., New York City : book.
Stratford Company, Boston, Mass. : book.
Myer Strauss : 24 books.
Harry M. Strickler, Harrisonburg, Va. : book.
Jessie T. Sturdevant : surveyor's notebook.
A. Leonard Summers : book.
Mrs. Zelia Wilson Sweett, DeLand, Fla. : book.
Walter J. Symons : book.
Syracuse Centennial Exposition : book.
Dr. Lewis H. Taylor : books, 2 vol.
Alfred Barnaby Thomas, Denver, Colo. : book.
Slason Thompson, New York City : book.
Annie Haven Thwing, Roxbury, Mass. : book.
Charles M. Tremaine, New York City : book.
Mrs. Henry St. George Tucker : engraving, book plates.
John Jasper Underwood, New York City : book.
Union Library, Hatboro, Pa. : pamphlet.
Franckh'sche Verlagshandlung, Germany : book, magazine.
Virginia State Chamber of Commerce : 2 papers.
Harr Wagner, San Francisco, Calif. : book.
Arthur Stuart Walcott, Salem, Mass. : book.
Raymond Walters & Bethlehem Chamber of Commerce : book.
Gurdon Wallace Wattles, Omaha, Neb. : book.
Archibald C. Weeks, Long Island, N. Y. : book.
Frederick Lewis Weis, Lincoln, R. I. : book.
Edward Welles, Jr. : 3 photographs.
William Whitman : book.
J. K. Weitzenkorn : book.
Charles P. Wenrich, Wernersville, Pa. : family bulletin.
M. R. Werner, New York City : book.
Westmoreland Club : 5 books, 1 pamphlet.
E. Whilldin, Washington, D. C. : 6 books.
Thomas Bentley Wikoff, Indianapolis, Ind. : book.
William A. Wilcox, Scranton, Pa. : pamphlet, 4 photostats.

Daniel Roderick Williams, New York City: book.

Mrs. S. M. Wolfe: 7 books.

Charles Wolliver: 2 photographs.

J. J. Wynne, New York City: 2 books.

E. B. Yordy Co.: book.

Mrs. F. J. Youngblood: newspaper, 1800.

Zion Research Foundation, Brookline, Mass.: book.

Zion Research Library, Brookline, Mass.: book.

DEPOSITS.

Mrs. Francis A. Phelps: collection of 37 framed photographs of old buildings in Wilkes-Barre.

Walter Vandermark: notary public documents & other family papers.

The Misses Annie B. & Catherine Wren: mss. (in filing case) on canals of Pennsylvania.

LOANS.

SAMPLERS FOR SAMPLER EXHIBIT.

Mrs. Eugene B. Ayres

Mrs. Oswald Moore

Mrs. Clifford Barker

Mrs. T. Archer Morgan (2 pieces)

Ella M. Bowman

Katherine Parsons and

Mrs. S. S. Breese

Edith Brower (2 pieces)

Mrs. W. F. Church

Myra Poland

Mabel D. Fleckno

The Misses Pringle (2 pieces)

Mrs. Agnes E. Flynn (3 pieces)

Grace Ferdinand Rockefeller

Oscar C. Foster

Mrs. K. J. Ross

Esther W. French

Mrs. W. H. Stang (2 pieces)

Mary Elliott Gates

E. Sweetser Tillotson (2 pieces)

Rita Louise Gillott

Mrs. William Robert Toomb

Mrs. H. B. Hale

Mrs. Robert C. Trethaway

William Heath Hawkins

Isaac S. Van Scy

Mrs. Reese Jones

Mrs. Benjamin C. Vincent

Ernestine M. Kaehlin

Mrs. Alexander Coxe Williams

Helen Koerner

(2 pieces)

Mrs. W. G. Laidler

Mrs. C. R. Wood.

Ida Vie Lendrum

George R. Wright

Mrs. W. D. Loomis (3 pieces)

MISCELLANEOUS.

Mrs. Miner B. Austin: piece of handwoven coverlet.

Mary G. Brundage: hand quilted & stuffed bureau scarf.

Mrs. Louis Frank: cross stitch pin cushion.

Mrs. M. A. Lock: framed picture worked in silk about 150 years ago, charming English shepherdess.

Mrs. Frances Matthews: cross stitch pillow top.

Mrs. Carrie V. Reddick: framed cross stitch motto, 2 cross stitch markers, cross stitch tidy, black silk apron.

Mrs. Charles I. Stout: old newspaper.

Mrs. Earl E. Wagner: cross stitch fire screen.

REPORT OF THE TREASURER
Of the Wyoming Historical and Geological Society,
Year ending December 31, 1925.

RECEIPTS.

Balance on hand, January 1, 1925:

Check Account	\$ 6.92
Savings Account	2,127.13
	<hr/>

Genealogical Services	6.75
Income from Investments	5,044.39
Investment Account	245.25
Luzerne County Appropriation	500.00
Membership Dues	1,770.00
Miscellaneous	<hr/> 29.12
	<hr/> \$ 9,729.56

EXPENDITURES.

Binding	\$ 130.50
Books Purchased	28.40
General Expense	245.06
Incidentals	170.00
Insurance	15.00
Interest on Special Funds	1,050.00
Life Memberships	400.00
Lectures	130.00
Museum	100.00
Photostats and Photographs	17.45
Periodicals	26.00
Postage	111.00
Repairs	19.50
Salaries	5,093.00
Stenographer	284.40
Society Memberships	42.50
Supplies	118.36
Telephone	99.82

Balance on hand, December 31, 1925:

Check Account	\$ 1.19
Savings Account	1,647.38
	<hr/> 1,648.57
	<hr/> \$ 9,729.56

PRESIDENT'S REPORT FOR 1926.

During the year, emphasis has been laid on the work within the Society, there being no time for a general public appeal for interest and membership. This will be the work for the coming year.

Assistance in genealogical, historical and American Indian study has been given to hundreds of students, personally, by mail and by telephone. One especially interesting student from McKean County spent a week here for the express purpose of studying the Pennsylvania Indian material in our library, for a chapter in a Pennsylvania history she is writing for the lowest grades in their County schools.

Letters to officers of family reunions offering and asking aid in genealogical research, have brought in two family histories and visits from people who had not known of the existence of the Society until the letter was read at the reunion.

The gifts to the Society during 1926 have been unusually generous as shown in the appended list. Principal among them was the remainder of the Indian collection of the late Christopher Wren, given by his family, thereby making him a memorial Benefactor of this Society and a perpetual member of the Wyoming Commemorative Association. The United States Ethnological Bureau gave an extensive collection of ethnological articles from their duplicates.

Another gift of interest, from Mrs. Charles F. Richardson, was the money to catalogue the Charles Miner papers, which she and the other Miner heirs gave the Society in 1924. As the Director had personally paid this, the Richardson money has been used to move the newspaper files from the basement to the museum floor, to arrange them properly for use and their protection.

Of especial local interest are the following gifts:

Program of a "Floral Concert" held in Wilkes-Barre in 1861, given by Mrs. Mary Butler Ayres; the old Ledger of Jeremiah Blanchard, 1800, given by Mrs. Jane J. Blanchard; the birth and baptismal certificate, in German, of John Kittney, born 1784, from Mrs. M. A. Blanchard; the banner and staff of the Wyoming Valley Security Legion, made by the Wilkes-Barre Lace Mfg. Co., given by C. S. Carnahan; three record books of the Spanish-American war belonging to the

late General C. Bowman Dougherty, from Mrs. Dougherty; a large marble marker from the old canal, from John Humphrey; the "Record of Kirby Day", from Allan P. Kirby; six photostats of German baptismal, etc., records, from H. S. Smith; a pamphlet memorial to Mrs. Hayes, bearing the autograph of President Hayes, given by Louise M. Thomas; earrings purchased for Cynthia Gallup in 1756, from Mrs. R. R. Zarr; and Commission of John Kittney, from Mrs. Melinda Joslin.

Perhaps the most important gift of local interest is the London reprint of the *Journal of the Proceedings of the Continental Congress*, from September 5, 1775, to April 30, 1776, containing the book plate of the Hon. Isaac Barre, given by Asa Currier Tilton, of Raymond, N. H.

The generosity of the friends of the Society is attested to by the fact that of the 500 books catalogued, over 350 were gifts, about 100 purchases, and fifty received in exchange. Of these, 101 were genealogies; 64 general histories; 76 local histories; 15 on the American Indian; 13 on geology and 106 miscellaneous, being biographies, Society publications; books for work with schools and children. The government documents received total 1454, 1285 being federal and 169 Pennsylvania State publications.

The number of books catalogued is not indicative of the total number received. Several hundred await cataloguing, owing to the prolonged illness of Miss Kaehlin, the librarian, and the loss from the staff of Miss Brooks, the assistant librarian. Miss Brooks resigned in August, to become librarian at the G. A. R. High School, Miss Kaehlin was given three months leave of absence to recover her strength. Miss Catherine Horan was appointed in November, as general assistant.

The nature of the books received is indicated by the following selected titles:

HISTORY.

Wood: *The History of the 1st Baptist Church of Boston*.
Indiana Hist. Com.: *The Swiss settlement of Switzerland Co.*

Brumbaugh: *Revolutionary Records of Maryland*.

Lester: *Historic Costume*.

Harris: *Vassals of New England*.

Strong: *Fort Crails; the Greenbush Manor house*.

Bangs: *Old Cape Cod*.

- Wharton : Colonial days & Dames.
- Ford : The Scotch-Irish in America.
- Fosdick : When Buffalo was young.
- Virginia War Hist. Com. : Virginia War Hist. in Newspaper clippings.
- Buffalo Hist. Soc. : Holland Land Company.
- Brown : Pilgrim fathers of New England & their puritan successors.
- Storey : Conquest of the Phillipines by the U. S. 1898-1925.
- Copeland : History of the town Murrayfield.
- Jameson : Amer. Revolution considered as a social movement.
- Heineman : Early Days of St. Gabriel's.
- Heartman : Cradle of the United States, 1765-89.
- Bradlee : Blockade running during the Civil War.
- Evans : Friends of the Seventeenth Century.
- Wagenseller : Snyder Co. annals.
- Dow : Domestic life in New England, in the 17th century.
- Perley : History of Salem, Mass., 1638-1670.
- Blankenship : Lights and Shades of pioneer life, on Pudget Sound.
- Thwing : Story of Orr's Island, Maine.
- Russell : Syllabus of Amer. history, 1492-1924.
- Cowgill : History of the Stars and Stripes.
- Barnes : Richard Wharton ; a 17th century N. England Colonial.
- Linsley : Old Glebe House at Woodbury, Conn.
- Slocum : Story of Vermont.
- Laut : Blazed trail of the Old Frontier.
- Van Laer : Minutes of court of Albany, Renssellaerswyck and Schenectady.
- Kingsbury : Hist. of the town Surry, N. H. 1769-1922.
- Bowen : History of Woodstock, Conn.
- Shepherd : History of Proprietary Government.
- McMinn : German Hero of the Colonial Times.
- Riddle : Recollections of War Times.
- Raum : History of the City of Trenton, N. J.
- Reid : The Mohawk Valley, its symbols & its history.
- Stapleton : Memorials of the Huguenots in America.
- Thayer : History of the Kansas Crusade.

PENNSYLVANIA HISTORY.

Minutes and letters of the German Reformed Congregation, Penna. 1747-92.

Oberholtzer: Philadelphia, a history of the city & its people.

Strickler: Massanutton settled by the Pennsylvania pilgrims.

Aurand: History of Beaver Springs, Penna.

Donehoo: Penna.—A History.

Kussart: Early hist. of the 15th ward of the city Pittsburgh.

Bedford Chamber of Commerce: Lawrence County (Indiana Centennial Book).

Hotchkiss: Bristol Pike.

Warner: History of Allegheny County, Pa.

Beidleman: Story of the Pennsylvania Germans.

Lincoln: Revolutionary Movement in Penna.

Gordon: History of Pennsylvania.

Comte de Paris: Battle of Gettysburg.

Scharf: History of Philadelphia. 1609-1884.

Martin: Historical sketch of Bethlehem.

Gordon: History of Pa. from its Discovery by Europeans to the Declaration of Independence.

COAL.

Hamilton: Case of bituminous coal.

Goodwich: Miner's Freedom.

Warne: Coal-Mine Workers.

Ashmead: Anthracite Losses & Reserves in Penna.

Delaware & Hudson Co.: Century of Progress.

INDIAN.

Lyback: Indian Legends.

Snell: Eskimo Legends.

Parsons: Pueblo of Jemez.

Mercer: Researches upon the antiquity of man in the Delaware Valley.

Wissler: American Indian.

Gregor: Medicine buffalo.

Gregor: War Eagle.

Wissler: Relation of Nature to man in Aboriginal America.

Dixon: Vanishing Race.

Jordan: Aboriginal Fishing Stations.

- Luquer : Minerals in Rock Shelters.
 Boyd : Battle of Birch Coulee.
 Tomkins : Indian Sign Language.
 Huebner (Charles Killbuck) : Indian Stories.
 Harvey : History of Shawnee Indians, 1681-1854.
 James : Indian Frontier War, being an account of the Mohmand and Tirah Expeditions, 1897.
 Moorehead : Primitive man in Ohio.

GENERAL GENEALOGICAL REFERENCE WORKS.

- Armstrong : Notable Southern families.
 Hinman : Early Puritan settlers of Connecticut.
 Maine Hist. Soc. : Vital records of Hallowell.
 Ruperts : Four Revolutionary soldiers and their descendants.
 Abbott : Heraldry illustrated.
 D. A. R. Chautauqua Co., N. Y., Chapter : Soldiers of the Revolution.
 Daughters of Founders & Patriots : Lineage books.
 Baldwin : Vital records of Dana, Mass.
 Runk : Biog. and Geneal. history of State of Delaware.
 Clemens : Virginia wills before 1799.
 Johnson : Woburn records.
 Swift : Cape Cod history & Genealogy.

Family histories of the following families :

Houghton ; De Graffenreid ; Penney ; Teall ; Vandercook ; Gaillard, or Gaylord ; Jaffrey-Jeffrey ; New Jersey Chestons ; Sanford ; Howes ; Paul Dudley Sargent ; Sargents, early, of New England ; Trant ; Reynolds, Lewell ; Walls ; O'Toomeys of Croon ; Lawrence-Townley & Chase-Townley ; Wenrich ; Michael Shoemaker ; Mott ; Budford ; Ross ; Hildreth ; White ; Dresser ; Bishop Robinson ; Whitmore ; Norris ; Wilson ; Bowen ; Phipps ; Harmon ; Brinckerhoff ; Mohler ; Ferrier ; Washburn ; Fuller ; Hollingworth ; Sevier ; Phinizy ; Three Kerry families ; Cowing ; Walkley ; Willard-Peabody ; Snow ; Trexler ; Dorrance ; Venables of Virginia ; Robert Taylor ; Munger-Ward-Varnum-Martin ; Butler ; Davis.

There has been a small increase in the number of visitors to the building over that of 1925, and of these more stayed to study. The visitors came from Russia ; France ; Panama ; South America ; nearly all the New England and Atlantic States down to Georgia, the middle West and the far West

to Washington and Oregon. Therefore our fame will be spread the length and breadth of the land.

Membership lists indicate the need of definite effort toward increased interest. Four new life members, Frank E. Matheson; W. F. Hughes; Robert C. Smith; and George W. Carr, encourage us, but, through death, the Society lost 13 interested, valued members, the annual members being J. W. Aitken; Thomas Cassidy; A. D. Dean; Dr. J. T. Howell; F. T. McCormick; Miss Bertha Strauss and Judge S. J. Strauss. Of the life members, whose names now become memorial, are Mrs. A. B. Coxe; Thomas Darling; Abram G. Nesbitt; W. G. Payne; Mrs. Harold M. Shoemaker, and Irving Stearns Shoemaker. Of these, the tragic deaths of Mrs. Shoemaker and her son need special mention, Mrs. Shoemaker's father, Major Irving A. Stearns, having been President of the Society for many years.

The loss of Abram G. Nesbitt is unusually great, because of his constant interest in and generosity to the Society, whose valued Vice-President he was at the time of his death. Before his death Mr. Nesbitt set aside the securities to cover his promise of \$50,000.00 if the Society raised a like sum. The income on these securities is accumulating in the Second National Bank and will be available only when the Society fills the conditions of the promise. It is hoped that this may be possible during the early part of 1927.

The newspapers have shown a generous eagerness to give us the space we asked for and the value of such publicity each time was proved by the response. In no instance was a request for information, books, etc., without return, as noticeable in the number of Record almanacs received from one brief insertion.

An especial example of this is the response to an article on the need of a fund to repair the old historical flags. Two patriotic organizations, the Women's Relief Corps, No. 37 and the Women's Auxiliary to Sons of Union Veterans, No. 169 sent contributions to start the fund. It is hoped other similar organizations will bring the fund to the amount needed to begin repairs.

Visits to exhibits and attendance at lectures largely depend upon newspaper publicity. The main exhibit in the building this year has been the portrait statue of "Sitting Bull", who has been the immediate stimulus to youthful visits. The newspapers all generously ran coupons for the Indian

Council, of which he was the guiding spirit at the playgrounds last summer, even going to Wyoming to be exhibited with the craft work of the Schooley Playground.

Sitting Bull also wandered as far as the show window at the Boston Store, where his splendor, added to the finery of his fellow chief, Pontiac, which was also borrowed from the Society, helped to attract large crowds to the exhibit there of the new "Pontiac" car.

An exhibit which attracted considerable notice was the 200 colored fashion plates from the Godey and Peterson magazines, lent by Miss Annie B. Wren. This came as a result of the lecture on historic costume. As the Society hopes to build up a large collection on historic costume, through the co-operation of Miss Wren, it requests the interest and help of its members in the gift of articles of dress; photographs, daguerreotypes; pictures, showing modes of dressing; the accessories of costume; jewelry, bags, parasols, canes, etc., are desired. While the present limited quarters do not permit of immediate permanent exhibit, these articles can be shown for a short time and then stored until new quarters provide the needed space.

An exhibit of unusual importance was the "Anniversary Week" exhibit at the Boston Store, for which the Society furnished hundreds of articles illustrating the different phases of the Valley's history. These many articles were removed, exhibited and returned by the Store without any injury or loss.

The splendid drawings made by Niccolo Cortiglia for the Store's advertisements, were later presented to the Society and form a valued addition to its collection of historical pictures.

Other smaller exhibits have been made in the Children's Room of the Osterhout Free Library; the G. A. R. High School, both of Indian articles; a collection of portraits of physicians lent Banker's Drug Store for special exhibit; and portraits of Washington and of Lincoln lent MacWilliam's.

The outstanding exhibit of the year, however, was made at the Sesqui-centennial Exhibition. Upon telegraphic request, a representative exhibit of Indian artifacts; stone and chipped implements, pipes, pottery and Frances Slocum relics, was taken by motor to Philadelphia and installed in the Pennsylvania Building. One case contained the magnificent Wren pot, some pipes and ornaments of unusual beauty.

and a skull with the arrow point in the eye socket. Another case contained the Frances Slocum articles and Mrs. Phelps' interesting story of "The Lost Sister of Wyoming". At least a dozen copies of this were ordered through the exhibit. Other cases contained the artifacts and also a large poster on the Indian Survey of Pennsylvania undertaken by the Society. This exhibit also brought returns in the names and help of interested persons.

The Indian Survey has begun progress toward actual growth. An executive secretary, Rev. John Baer Stoudt, of Allentown, a well-known Pennsylvania historian, has been engaged, who is to endeavor to get an appropriation from the Legislature, for the general overhead expenses, the main fund to be obtained through the contributions of interested people. Dr. Stoudt is also to arouse interest throughout the State, in order to begin the fund and the work. It has been decided to include the Western Counties in the Survey, and Mrs. William Chamberlain will extend Miss Evans' work to cover that section.

In connection with the Survey, the Director outlined the plan and work already accomplished at the November meeting of the Pennsylvania Historical Institute at the Sesqui-Centennial Exhibition, and by request reported on it at the annual meeting of the American Anthropological Association in Philadelphia in December. The report was considered so interesting and the undertaking so important, that the Director has been asked to give it in March at the Chicago meeting of the Association which is to be especially devoted to State archaeological surveys.

The Director is also to speak on the Survey at the annual meeting of the Pennsylvania Federation of Historical Societies, at the January meeting of the Society of Pennsylvania Women in New York, and at the February meeting of the Frankford Historical Society. The Executive Secretary has brought it to the attention of the annual meetings in Bucks, Monroe, and Montgomery Counties.

In addition to the Survey reports, the Director during the year spoke at the Monroe County Historical Society meeting in January, her subject being "The Red-Man as the White Man found him", also at the April meeting of the West Side Women's Club. Because of her illness in May, her sister, Miss Anne Dorrance, unexpectedly spoke at the Columbia

County Historical Society, on "The value of an Historical Society."

Owing to the interest aroused by the Indian Survey, and in order to keep in touch with local investigations, the Society appointed William J. Robbins, as Curator of Local Archaeology. By personal interviews, and by talks, he is gathering considerable information.

This, together with his extensive personal knowledge of the subject, is being recorded for the Society. When possible, Mr. Robbins, will also arrange exhibits and additions to the Indian collection.

At his suggestion, because of the lack of knowledge of the finding of an Indian burial on West Academy street, during the excavation of a cellar, until all articles had been scattered, letters were sent to all local contractors, asking to have the Society notified at once in such instances. Several favorable replies have been received.

During the year, the following lectures were given under the auspices of the Society, and were largely attended:

- Jan. 18. Herbert Ceszinsky spoke on "English and American furniture contrasted."
- Jan. 29. Donald MacMillan. "The Arctic from the air."
- Mar. 8. Annual meeting, F. A. Godcharles, "Hartley's expedition."
- Mar. 23. Bruno Roselli. "Romance of Colonial Expansion."
- May 4. Sigmund Spaeth educational lecture on "Common-sense of Music."
- Nov. 5. Chinquilla. Afternoon lecture for children, evening for adults.
- Dec. 7. Harriet Klamroth. "Historic costume."

The series of the *Chronicles of America*, given during the first quarter of the year, was brought to a successful close, early in April. The attendance at first averaged over 700 children and one hundred adults, but the measles epidemic and an enforced closing for three weeks broke the habit and the subsequent average was slightly under six hundred children. Some of the children lost their season tickets in the interim.

The series entailed an enormous amount of work but was well worth the effort in the interest of the audience and the benefit acknowledged by the parents.

One accomplishment of the year was the publication and

distribution of Volume 19 of the Society's "Proceedings and Collection". Reprints of the several important articles it contains are also available in pamphlet form, as their value may easily create a demand for separates when the large volume would be undesirable. It has met with a very favorable reception and reviews.

As an outcome of the State Committee to consider the historical exhibits at the Sesqui-Centennial Exhibition, to which the Director of this Society was appointed, a Pennsylvania Historical Institute was formed, to promote historical research, by personal assistance, collection of bibliographical and index references on the State history, and later probable publication of the work of Pennsylvania historians. The Director was appointed a vice-president. While still undeveloped, the work promises to be a most important one for all students of history in the country.

During the year the Society protested the incorrectness of the signs placed in the Valley by the State Highways Department. They promise to change the signs but as yet none of the incorrect ones have been removed.

As an experiment, during July and August, when the staff is small owing to vacation absences, the building was closed on Saturday afternoons, the half days of the assistants being changed to Saturday for that time.

The experiment worked well and is recommended for the coming summer.

Three small incidents during the year, which are large in significance were the request of the Bell Telephone Co., that the Director represent the Society at the Company's anniversary dinner, the opening of the Society's building one evening, for the reception and assistance to an Americanization class, and the lending of Lossing's History of the Revolution to the Sunday Independent for the publication of his very interesting account of the settlement of Wyoming and its share in the Revolution.

The biggest event of the year in the Society's history is the acquisition of the Institute property on South Franklin street, through which it is hoped to obtain the much needed space. Part of the \$100,000 was paid over to the Institute Trustees on June 2nd, and the title secured. The First Presbyterian Church, being in need of such accommodations during the remodeling of the church, rented the Institute Building for one year, their rent being half the interest on

the mortgage for the year. The interest for the first six months has been paid and it is expected that the money will be found to pay the remainder until the principal can be paid.

This report as a whole is encouraging in its story of the work done, the preparation for meeting the great need of additional space and funds, and the stimulation towards greater effort for growth and recognition during the next year. For this, however, the co-operation of the entire community is the first requisite and in this we ask the earnest support of the members of the Society.

GIFTS IN 1926.

BOOKS RECEIVED FROM :

Anderson, Mrs. Larz	Downes, M. W.
Angle, Dr. Edward H.	Dunn, Mrs. E. T., 2 vols.
Balch, E. S., 2 vols.	Edgar, William C.
Baldwin, Thomas Williams	Estes, George
Barnes, Nellie	Fairmont Park Art Assoc.
Barnes, Viola	Farquhar, Francis P.
Beech-Nut Packing Co., Bartlett	Flick, Alexander Clarence
Arkell, Pres.	Fosdick, Myrtilla C.
Bigelow, Francis Hill, 10 vols.	Franciscan Fathers, St. Michael's,
Bobbs-Merrill Co.	Arizona
Brader, Mrs. George	Garden City Publishing Co.
Breckenridge, J. E.	Great Northern Rwy. Co.
Brewster, Sadie B.	Green, Dr. Charles N.
Budd, Ralph	Gregor, Elmer Russell, 2 vols.
Burroughs, Burt E.	Guiteras, Gertrude E.
Calhoun, Ferdinand Phinizy (Dr.)	Gunther, Emma
Carpenter, Edmund Nelson, 13 vols.	Hackett, Chas. W.
Chamber of Commerce, Bedford,	Hamilton, Walton Hale
Ind.	Hammond, Otis G.
Chandler, J. A. C.	Heineman, John L.
Charles, Mrs. Heinrich	Hillard, Oliver C., 3 vols.
Church Missions Pub. Co.	Hippenstiel, Harold Franklin
Clawson, Rev. H. B.	Hodge, Edwin T.
Coleman, James A.	Horn, John Louis
Constine, John, 9 vols.	Howay, Frederic W.
Committee, Site of Fort de Creve-	Ingraham, Dr. Charles A., 2 vols.
coeur.	Jackson Printing Co.
Curtis, (Mrs.) Alice Turner, 2 vols.	Johnson, Frederick G.
Dauphin, Mrs. James A., 2 vols.	Kamm, Mrs. Caroline A.
De Graffenreid, Thomas	Kinner, Oliver Smith
Delafield, Richard	Kittney, Sarah, 2 vols.
Denslow, Ray Vaughn, 2 vols.	Klapper, Paul
Derr, (Mrs.) Andrew F., 73 vols.	Knox, Mrs. Gordon
Dorrance, Anne, 10 vols.	Kussart, Mrs. Sarepta Cooper
Dorrance, Frances	Larrabee, Don M.

- Lee, Rev. Charles, D. D.
 Long, Breckinridge
 Looloian, Rev. Mehrah H.
 Loree, L. F.
 Low, William G.
 Lyback, Johanna R. M.
 Markham, Frances, 10 vols.
 Maude, Aylmer
 McCabe, W. Gordon
 MacGallum, Mrs. Kenneth
 McClelland, E. H.
 McClintock, Mrs. Andrew Todd
 McCrae Smith Co.
 McGinnis, Mrs. Lavina
 Mead, Edwin D.
 Mixer, Knowlton
 Morgan, Col. Morgan
 Moriarty, George A., 2 vols.
 Morris Tribune
 Munger, George H.
 National Education Association
 Newcomb, Rexford
 Ostrander, A. B.
 Pastor, Presbyterian Church, Dans-
 ville, N. Y.
 Pehotsky, B. O.
 Pennsylvania University, 14 vols.
 Place, Henry H.
 Review of Reviews, Educational
 Dept.
 Ridley Park, Presbyterian Church
 Robinson, Elizabeth, 43 vols.
 Roebling, Emily Warren
 Rush, Chester Woodruff
 Rutherford, Mildred Lewis
 Saint Paul, Minn. (Pastor)
 Satchell, J. Kenneth
 Saunders, George
 Self-Test Pub. Co.
 Seybolt, Robert Francis
 Seymour, Flora Warren
 Shadrach, John
- Shaughnessy, Dr. Gerald
 Sheldon, Mrs. George
 Sherman, William Roderick
 Shoemaker, J. I.
 Shoemaker, Jane A., 10 vols.
 Slocum, Harold W.
 Smedberg, Carl G.
 Solomon, Erskine, L.
 Smith, Wallace
 Snell, Roy Judson
 Springer, Ira R.
 Stanton, Rev. Royal A.
 Starkweather, Rufus P.
 Sterling, Leila
 Stevens, W. I., 2 vols.
 Stewart, J. Adger
 Storey, Moorfield
 Storke, C. A.
 Tappan, Eva March
 Thompson, Slason
 Tillotson, E. Sweetser, 3 vols.
 Tilton, Asa Currier
 Tobias, Mrs. J. B.
 Tomkins, William
 Vaughn, Olive
 Veblen, Andres A.
 Venable, Eliz. Marshall
 Wadhams, Dr. R. L., 11 vols.
 Welles, Theodore L., a great many
 volumes
 Wells, Mrs. Mary B.
 White, Andrew D.
 White, Arthur Scott
 Wilcox, William A., 4 vols.
 Woodbury, Benjamin Collins
 Woodman, J. J.
 The Wyoming Annual Conference
 Year Book
 Wyoming Valley Woman's Club,
 14 vols.
 Young, Mrs. James W.

COINS AND MONEY RECEIVED FROM :

- Atherton, Thomas H.: One Oregon Trail Half-Dollar.
 Barber, B.: Three "Shin Plasters".
 Bixby, C. W.: Three dollar gold piece—1854. Three pieces of paper
 money, in opposition to green back craze.
 Hillman, Frances and Doris: One Sesqui-centennial 50¢ piece, one Sesqui-
 centennial \$2.50 piece.
 Kenworthy, Mrs. O. E.: Five dollar confederate bill.
 McClintock, Gilbert S.: Letter addressed to General E. S. Dana, contain-
 ing 6 pieces of colonial paper money.

Robinson, Elizabeth: Eighteen coins.

Smith, Mrs. H. H.: Two ten dollar bills, issued by Mechanics' Bank,
(value 5¢ or 10¢).

Troxell, Rosa: Four gold coins.

RECORD ALMANACS RECEIVED FROM :

Barney, Oren W., 22 vols.

Beauchamp, Uriah, 4 vols.

Jevons, Mrs. Susanna, 4 vols.

Kleeman, Mrs. Peter, 2 vols.

Lamon, Mrs., 4 vols.

Leonard, H. S., 6 vols.

Robinson, Elizabeth, 15 vols.

Stevens, W. I., 26 vols.

Wilson, John D., 2 vols.

NEWSPAPERS AND CLIPPINGS.

Barney, Hattie

Boyd, J. Andrew

Bossler, John

Catlin, George H

Hillard, O. C.

Kasaczun, Rev. Francis

Oxford Memorial Library

Roberts, Rev. E. R.

Romig, Charles D.

Shoemaker, Jane A.

Solomon, Erskine L.

Zerbey, J. H.

LOANS AND DEPOSITS.

Corwin, Mrs. E.

Parke, Nathan Grier

Peters, Allen H.

Morgan, Jesse T.

Wren, Annie B.

SPECIAL SERVICE.

Boston Store: 10 drawings and grass for Sitting Bull case; labeling twelve window cards for Klamroth lecture.

Miller, Harry C.: 2 affidavits.

Russell, John B., Jr.: Photographing figure of Sitting Bull.

ATLASES, CHARTS, MAPS.

Balch, E. S.

Brosius, Lewis W.

Carpenter, Edmund Nelson

Evans, Annette

Hillard, Oliver C.

Wadham, Dr. R. L.

Young, James W.

SPECIAL LOCAL INTEREST.

Ayres, Mrs. M. B.

Blanchard, Mrs. Jane J.

Blanchard, Mrs. M. A.

Carnahan, C. S.

Dougherty, Mrs. C. Bow

Guthrie, Dr. Malcolm C.

Humphreys, J. M.

Joslin, Mrs. Melinda

Kirby, Allan P.

Smith, H. S.

Thomas, Louise

Zarr, Mrs. R. R.

PAMPHLETS.

American-Scandinavian Review

Bosworth, Charles A.

Burr, Anna Robeson

Carnegie Library School

Clutz, Jacob A. (Mrs.)

Cowgill, J. Ewing

Department of the Interior, Canada	Paxson, Col. Henry D.
Eno, Joel N.	Pennell, Rev. Joseph R.
Green, C. F.	Playground & Recreation Assn. of America
Great Northern Railway, St. Paul, Minn.	Rehrig, Rev. W. M.
Hicks, Rev. Lewis Wilder	Reed, Harold F., Sec. the Reade Society
Jenkins, Charles F.	Robinson, Rev. James
John Hancock Life Insurance Co.	Roller, Anna H.
John Hancock Mutual Insurance Company	Rutherford, Mildred Lewis
Johnson, Frederick G.	Salisbury, Elon Galusha
Kintzer, R. W.	Shoemaker, Col. Henry W.
McCullough, J. Riley	Strauss, Mrs. S. J.
Magruder, D. Kenneth	Thomas, Louise
Mary Mildred Sullivan Chapter	Van Meter, Mary and Harriet
Mathers, Hon. H. T.	Wainwright, Halstead H.
Matheson, Rev. James A.	Walker, S. Wylle
News-Journal, North Manchester, Ind.	Wilden, Frank J.
Oliver, Arthur	Williams, Dr. George C. F.

VIEWS AND PHOTOGRAPHS RECEIVED FROM :

Hillard, O. C.	Smith, A. R.
Jewell, Mrs. Frank	Smith, Robert C.
Kintzer, R. W.	Zerbey, Frederic E.
Shoemaker, Jane A.	

MUSEUM ARTICLES.

Conyngham, John N.: Two boxes of coal.
Haertter, J. H.: A coal rake.
Morgan, James: Coal showing special boring.
Searfoss, Roy: Very valuable fossil of tree-trunk.
Foster, Mrs. C. D.: One black silk waist—two hundred years old, neck kerchief, embroidered lace baby's cap, sewing case—two hundred years old.
Loveland, Josephine: One Russian Peasant blouse.
Constine, John: Fourteen geological specimens.
Dennis, Sarah: Three sandwich glass cup plates.
Dorrance, Anne: Silver bouquet holder, hair jewelry (pin), cross carved from comb, centennial medal of battle.
Hillard, Oliver C.: One dueling knife in S. C.
Kipp, Mrs.: One old sun baked brick brought from Holland to build the "Old Sleepy Hollow Church".
Sponsler, Mrs. W. C.: One Houghton copper pump.
Wilson, John D.: One gold scale used by the "49 ers".
Vandermark, Walter: Tongs and one-half ox shoe.
Hughes, W. D.: Wyoming centennial medal.
Robinson, Elizabeth: Two medals.

- Roth, Edward F.: Two F. O. E. medals.
- Ayars, Mrs. Shepherd: One Navaho corn dance belt.
- Beauchamp, Uriah: Two jasper points found on land now Kirby park.
- Bunting, Douglas: One beaded buckskin bag, and Buffalo horn spoon.
- Evans, Annette: One beaded Indian knife sheath, one Indian bow in case, one Indian quiver with arrows.
- Holley, Dr. S.: Indian arrow point and stone pestle.
- Hutchinson, James M.: Three arrow points.
- U. S. National Museum: Seventeen ethnological specimens, twenty-one portraits of Indians.
- Veterans of Spanish-American War: One cannon taken from San Juan Hill.
- MacCluskie, James: Shoulder strap from German uniform, German soldier's ring, German private's uniform button, U. S., uniform button, three lead bullets and three pieces of shot picked up on the Evans farm at Plainsville, Pa., forty-five U. S. rifle steel jacket shot.
- Mendelsohn, Dr. I. W.: Rose from grave of Edith Cavell, photographs and clippings from and about the graves of the American soldiers and unknown soldier in France.
- Young, Lilian: Uniform of the Evacuation Hospital number ten.
- Dintinger, R. Adah: Three Secrophius, one Polythemus, and one Hawk Moths.
- Glodick, Edward: One (clay) pebble with natural formation.
- Grigel, Edward: Part of jaw bone containing teeth.
- Higgs, Charles: One eagle.
- Kligman: One large moth.
- Sunday, Peter: Part of jaw bone containing teeth.

REPORT OF THE TREASURER

Of the Wyoming Historical and Geological Society,
For the year ending December 31, 1926.

RECEIPTS.	
Balance on hand, January 1, 1926.....	\$ 1,648.57
Check Account	\$ 1.19
Savings Account	1,647.38
Income Account	8,017.65
Income from Investments	\$ 4,930.46
Advance from Income on Endowment Fund.....	136.83
Membership dues paid during 1926.....	1,885.00
Sale of books	199.59
Sale of old paper.....	2.51
Sale of photographs	9.50
Genealogical services	1.50
Luzerne County appropriation	200.00
Salary Account:	
Miss Dorrance paid on account half of Assistant's salary	630.00
Telephone Account:	
Received from personal toll calls during year.....	22.26
Special Income	1,500.00
Rent on Institute building, from First Presbyterian Church, applied on interest on Institute building mortgage.	
Bills Payable	78,800.00
Loan \$60,000 on mortgage against Institute property, \$60,000.00 participated in by the following:	
First National Bank	\$15,000
Second National Bank	15,000
Wyoming National Bank.....	15,000
Miners Bank, W.-B.	15,000
Loan on Collateral, Miners Bank of Wilkes-Barre... ..	17,000.00
Loan by Frances Dorrance to Society.....	300.00
Loan Advance from income of Nesbitt securities.....	1,500.00
Investment Account	\$ 2,205.50
Mortgage of John and Lizzie Bobek paid in full.....	\$ 2,150.00
Interest on savings account in Miners Bank.....	55.50
Real Estate (payment on Institute property).....	13,000.00
Transferred from Savings Account in Miners Bank..	\$ 4,000.00
Transferred from Endowment Fund in Second Na- tional Bank	9,000.00
	<hr/>
	\$105,171.72

EXPENDITURES.

Regular	\$ 8,095.53
Salaries paid during year	\$ 6,326.71
Special Funds	368.07
Butler Fund	\$ 50.00
Coxe Publication Fund	90.07
Hunlock Fund	28.00
Luzerne County appropriation paid to Frances Dorrance to deposit in Special Funds account	200.00
Insurance	395.00
Sale of books	199.59
Paid to Frances Dorrance to deposit in Special Funds Account.	
Books purchased	7.50
Binding	61.00
Telephone	110.96
Periodicals	38.60
Photostats, etc.	53.57
Postage	166.35
Printing	6.00
Incidentals (Petty cash at bldg.)	176.00
General Expense	114.11
Supplies	47.07
Society Memberships	45.00
Special and Property	96,432.08
Investment Account	\$ 4,102.75
Transferred to Real Estate	\$4,000.00
Purchase of 1 share of American Tel. & Tel. Co.	102.75
Interest paid on loans from banks.....	22,329.33
Real Estate	90,000.00
Paid to W.-B. Female Institute for Building.	
Balance on hand, December 31, 1926.....	644.11
Check Account	\$ 126.48
Savings Account	517.63
	<hr/>
	\$105,171.72

WYOMING HISTORICAL AND GEOLOGICAL SOCIETY.
LIST OF SECURITIES IN HANDS OF THE TREASURER ON
DECEMBER 31, 1926.

BONDS.

- \$10,000 Anaconda Copper Mining Company, 1st Consolidated Mortgage,
Series "A" Sinking Fund 6%—1953.
4,000 Argentine Nation, Government of the, External Sinking Fund 6%—
1959.
4,000 Chesapeake & Ohio Railway Company, General Mortgage 4½%—
1992.
1,000 Columbia & Montour Electric Company, 2nd Mortgage 30-yr. 5%—
1943.
3,000 Fruit Growers Express Company, Equipment Trust of 1923, Series
"C", 5½%—1937.
8,000 Great Western Power Company of California, 1st and Refunding
Mortgage Sinking Fund 6%—1952.
1,000 Indianapolis, New Castle & Eastern Traction Company, 1st Mort-
gage Extended 6%—1932. (Interest in default).
1,000 Lackawanna & Wyoming Valley Rapid Transit Company, 50-yr.
Collateral Trust 5%—1951.
1,000 Lehigh Telephone Company, 1st and Refunding Mortgage 5%—1949,
Series "A".
1,000 Minneapolis Gas Light Company of Minneapolis, Minn., 1st General
Mortgage 5%—1930.
3,000 Minneapolis, St. Paul & Sault Ste. Marie Railway Company, Equip-
ment Gold Note, Series "J", 6½%—1929.
1,000 Muncie & Union City Traction Company, 1st Mortgage 30-yr. 5%—
1936. (Interest in default).
500 Pacific Gas & Electric Company, 1st Mortgage 20-yr. Sinking Fund
6%—1931.
8,000 Raeder Blank Book, Lithographing & Printing Company, 1st Mort-
gage Extended 6%—1932.
5,000 St. Louis-San Francisco Railway Company, Prior Lien Mortgage
5½%—1942, Series "D".
2,000 Sheldon Axle Company, 1st Mortgage 5%—1930.
4,000 South Carolina & Georgia Railroad Company, 1st Mortgage Ex-
tended 5½%—1929.
11,000 Spring Brook Water Supply Company, 1st Refunding Mortgage
5%—1965.
1,500 Wilkes-Barre Company, 1st and Refunding Mortgage 5%—1960.
11,000 Wilkes-Barre & Wyoming Valley Traction Company, 1st Mortgage
Extended 7%—1931.

STOCK.

- 700 American Telephone & Telegraph Company, Capital Stock. (Seven
(7) shares).
2,000 Hazard Manufacturing Company, Capital Stock. (Forty (40)
shares).
No par Southern Ohio Public Service Company, voting Trust Certificate of
Common Capital Stock. Eighteen (18) shares. Received in
exchange for \$3,000 Columbus, Newark & Zanesville Electric
Railway Company 1st Mortgage Bonds.

MORTGAGES.

- 850 Frank Barnes.
1,400 Mary A. G. Barrett.

\$85,950

OFFICERS FOR 1928.

President.

COL. DORRANCE REYNOLDS.

Vice Presidents.

DR. LEWIS HARLOW TAYLOR.
WILLIAM HILLARD CONYNGHAM.
GILBERT STEWART McCLINTOCK.
*ABRAM G. NESBITT.

Director.

FRANCES DORRANCE.

Librarian.

ERNESTINE MARTIN KAEHLIN.

Archivist.

EDWARD SWEETSER TILLOTSON.

Recording Secretary.

SAMUEL COGSWELL CHASE.

Treasurer.

CHARLES WILBER LAYCOCK.

Trustees.

ISAAC M. THOMAS.	HARRY B. SCHOOLEY.
MALCOLM BURNSIDE.	THEODORE S. BARBER.

Curators.

NUMISMATICS—RICHARD E. DANA.	
MINERALOGY—WILLIAM REYNOLDS RICKETTS.	
ANTHRACITE COAL AND } COAL MINING— } FREDERICK EDGAR ZERBEY.	
LOCAL ARCHAEOLOGY—W. J. ROBBINS.	

Historian.

WILLIAM A. WILCOX.

Historiographer.

KATHLEEN HAND.

Finance.

THEODORE S. BARBER.

HARRY B. SCHOOLEY.

WILLIAM H. CONYNGHAM.

ISAAC M. THOMAS.

Chairmen of Annual Committees.

LECTURES—MRS. FREDERICK HILLMAN.

PHOTOGRAPHS—EDWARD WELLES.

PUBLISHING—FRANCES DORRANCE.

MEMBERSHIP—FREDERICK HILLMAN.

WYOMING SESQUI-CENTENNIAL—H. B. SCHOOLEY.

*Deceased.

MEMBERS WHO HAVE DIED SINCE THE PUBLICATION OF VOLUME XIX.

It has seemed advisable to publish the membership as of December 31, 1927, in order to bring it up to the year of preparation, of this volume, hence the inclusion of the necrology for 1927, while reports are given only for 1925 and 1926.

MEMBERS DIED.

1925.

**MRS. ELEANOR THOMAS AHLBORN.
ALFRED FRANKLIN BERLIN.
GEORGE F. CODDINGTON.
MRS. HARRIET STARK COWARD.
ARTHUR D. DEAN.
MRS. RUTH WOODHULL STRONG DORRANCE.
GEORGE W. LEACH, Jr.
ELIZABETH S. LOVELAND.
MRS. ELIZA ROSS MINER.
JOSEPH EMMETT PATTERSON.
E. R. PETTEBONE.
HENRY WELLES PIERCE.
ALEXANDER NEWELL RIPPARD.
GUY STURDEVANT.
HON. JOHN BUTLER WOODWARD.**

1926.

**JOHN WINFIELD AITKEN.
THOMAS CASSEDY.
THOMAS DARLING.
DR. JOHN TITUS HOWELL.
FRANK T. McCORMICK.
ABRAM G. NESBITT.
WILLIAM GRANT PAYNE.
MRS. HAROLD MERCER SHOEMAKER.
IRVING STEARNS SHOEMAKER.
BERTHA STRAUSS.
HON. SELIGMAN J. STRAUSS.**

1927.

**EDWIN SWIFT BALCH.
GEORGE REYNOLDS BEDFORD.
MRS. GEORGE R. BEDFORD.
DOUGLAS BUNTING.
FRANK HOPPER.
ROBERT BRUCE RICKETTS, 2nd.
MRS. GEORGE SHOEMAKER.**

NECROLOGY.

MRS. ELEANOR THOMAS AHLBORN.

Mrs. Eleanor Thomas Ahlborn, the wife of Dr. Maurice B. Ahlborn, born about 1863 in Wilkes-Barre, a descendant of prominent old families of the Wyoming Valley, died October 6, 1925. She took an active interest and share in church and civic affairs of the community. Mrs. Ahlborn became a member of the Society in 1923.

JOHN WINFIELD AITKEN

of Carbondale, Pa., a member of this Society, died December 24, 1926, aged 76 years. Mr. Aitken was the proprietor of one of the first drug stores in Carbondale, and also founded the Carbondale Anthracite, a morning newspaper.

FELIX ANSART,

born in New London, Conn., January 28, 1837, was educated at East Hampton, Mass., at Amherst College and Yale University, graduating with the class of 1859. Mr. Ansart died in New York, September 28, 1922. He became a lawyer after studying law at various places, and in 1865 took up civil engineering. From that time he alternated the practice of law with that of engineering. He lived in Tunkhannock, Pa., and then in Wilkes-Barre, removing to New York City in 1906. Mr. Ansart was a corresponding member of the Society.

SHEPHERD AYARS,

aged 61, died August 3, 1922, at his home in this city. He was born at West Chester, March 29, 1861, but lived most of his life in Wilkes-Barre. He was prominent in business, civic and church affairs. He had been a member of the Society since 1914.

EDWIN SWIFT BALCH,

explorer and writer on scientific subjects, a resident of Philadelphia, died on March 15, 1927, aged 71. Mr. Balch was educated abroad and at Harvard University, from which

Owing to a change of policy in Volume XVIII, obituary notices of officers only were published in that volume. In order to complete the list, brief notices are included here of all those then omitted.

place he was graduated in 1878. He belonged to many patriotic societies, and was a member and Benefactor of the Society.

MRS. ELEANOR McCARTNEY BAMFORD,

daughter of the late Gen. William Henry and Katherine Searle McCartney, born September 23, 1872, died October 13, 1922, on board S. S. "Vasari" bound for South America. Mrs. Bamford was a genealogist of note and was particularly interested in local history and this society, of which she had been a member since 1918. In her will she left to the Society the sum of five hundred dollars, the interest to be expended for the purchase of genealogical books, and also her collection of genealogical books and papers. As the daughter of Mrs. K. S. McCartney, one of the founders of the Wyoming Valley Chapter D. A. R., and its regent for twenty-five years, Mrs. Bamford took a great interest in the Chapter, of which she was the Historian. In her memory, the Chapter donated a sum of money to pay in part for the purchase of a set of the New England Historical Register for the library of the Historical Society. Mrs. Bamford's father, the late General William Henry McCartney, served with distinction in one of the Massachusetts Regiments during the Civil War.

GEORGE REYNOLDS BEDFORD,

one of the oldest and most prominent lawyers of this part of the State died on June 8, 1927. He was born November 22, 1840, in Lackawanna County, was a descendant of early settlers of Wyoming Valley, and a member of families who have long been distinguished in this locality. His education was received at Madison Academy in Waverly, Pa., and he read law in Scranton, coming to Wilkes-Barre in 1861. He went later in that year to the Albany Law School at Albany, N. Y., and in 1862 was admitted to the practice of law in New York State. He then returned to Wilkes-Barre where he lived for 65 years, and became well-known in his profession. He was connected with many organizations, was a trustee of the First Presbyterian Church, as well as other institutions. Mr. Bedford was a life member of the Wyoming Historical Society, having joined the Society in 1866, and his interest continued to his death.

MRS. GEORGE R. BEDFORD,

born Emily Lindsey Fuller, died at her home in Wilkes-Barre on May 9, 1927. A descendant of prominent families

of the Wyoming Valley, Mrs. Bedford was herself a woman distinguished in many ways. Her devotion to her church, her friends, the welfare of the community and of all the finer things of life, made her an outstanding character whose influence will long be felt. Mrs. Bedford became a life member of the Society in 1910.

REUBEN NELSON BENNETT,

a member of one of Wilkes-Barre's oldest families, was killed in an automobile accident on November 17, 1922. He was born December 12, 1875, the son of George Slocum and Ellen Nelson Bennett. His education was received in the Wilkes-Barre schools and Wesleyan University, from which place he was graduated in 1897 *cum laude*. He studied to be a lawyer at the University of Pennsylvania, and was admitted to the bar in 1900. He soon became prominent in civic affairs and from that time until his untimely death served faithfully in many departments of the city's government. He was a director of many institutions and a trustee of Wesleyan. Mr. Bennett was a painstaking and careful official, one who always had the welfare of the city at heart and in his death the community lost one of its foremost citizens. As a friend, neighbor, benefactor and Christian, his influence was widely felt. He became a member of the Society in 1906.

ALFRED FRANKLIN BERLIN,

corresponding member of this Society, died in Allentown in 1925. He was an archaeologist of note. Part of his valuable collection is incorporated in the Society's splendid Indian collection. Mr. Berlin's interested advice and help will be greatly missed.

ROBERT PACKER BRODHEAD,

born at East Mauch Chunk, October 12, 1860, died May 18, 1922, at his home in Kingston, Pa. Mr. Brodhead came of distinguished Revolutionary and Colonial ancestry and was interested in church and public affairs of this community; he was a citizen to be admired and his memory will long be cherished. He was a life member of the Society.

DOUGLAS BUNTING,

vice president and general manager of the Lehigh and Wilkes-Barre Coal Company, died December 15, 1927, having been born at Mauch Chunk, Pa., March 17, 1870. On his paternal side, Mr. Bunting was descended from Revolutionary an-

cestry, prominent in the pioneering and formative period of this country. He was graduated from Cornell University in 1891, as a mechanical engineer. Mr. Bunting had been a member of the Society for twenty years.

PIERCE BUTLER,

a grandson of Colonel Zebulon Butler of Revolutionary fame, died at Carbondale, Pa., on February 16, 1922, at the age of 91. He was born in Kingston Township, October 13, 1831, the son of Mr. and Mrs. Pierce Butler. He was educated at the Wyoming Seminary, and on leaving school became connected with the Gravity System of the Delaware and Hudson Railroad, living after that time in Carbondale, Pa. He was a corresponding member of the Society.

THOMAS CASSEDY,

a prominent real estate man and former President of Chamber of Commerce of Wilkes-Barre, died in Ashley on March 8, 1926, aged 73. He was a member of the real estate firm of Cassedy and Conyngham, was educated in Philadelphia and was affiliated with the Episcopal Church. Mr. Cassedy became a member of the Society in 1923.

FREDERICK M. CHASE,

President and general manager of Lehigh Valley Coal Company, died on April 8, 1921. Mr. Chase was born at Broad Top, Huntingdon County, Pa., on January 24, 1865. At the age of 14, he came to Wilkes-Barre and entered the employ of the Lehigh Valley Coal Company, of which he later became president. Mr. Chase reached the pinnacle of success by sheer persistence, patience and fidelity and willingness to assume responsibility. He became an important citizen in the community to which he came as a boy. His was a wide knowledge of the business, founded on actual experience in every position from office boy to president. He became a member of the Society in 1896.

GEORGE F. CODDINGTON,

born in this city, died November 27, 1925, aged 63. He was educated in the public schools, and became a printer, finally becoming the proprietor of the Yordy Printing Company. He had a hobby for the out-of-doors, was active in all welfare organizations and church affairs. Mr. Coddington became a member of the Society in 1901, and with his death, the Society lost one of its best friends.

MRS. HARRIET STARK COWARD

was born in Plains Township, Pa., October 31, 1836, and died in Kingston, June 12, 1925. She was a descendant of early settlers of the Wyoming Valley and was a member of the Dial Rock Chapter D. A. R. Mrs Coward became a member of the Society in 1923.

THOMAS DARLING,

a prominent member of the Luzerne County Bar, died June 13, 1926. He was an outstanding member of the community, was educated in the Wilkes-Barre Academy and Yale University, where he received the degree of A. B. in 1886. Mr. Darling was a descendant of the prominent pioneer stock of this valley. He became a life member of the Society in 1895.

ARTHUR D. DEAN,

one of the five surviving members of the original members of the Lackawanna County Bar, died on August 8, 1925, at Waverly, Pennsylvania. He was 77 years old, and had been a member of the Society since 1897. Mr. Dean on his mother's side was a descendant of a Holland family of the Hudson River Valley in Dutchess County, N. Y., by name Heermans, who were pioneer settlers in the Lackawanna Valley, Penna. Mr. Dean was greatly interested in genealogy and local history.

MRS. RUTH WOODHULL STRONG DORRANCE,

the widow of Benjamin Dorrance, was born in Springfield, Illinois, February 15, 1844, and died at her home in Dorranceton, Pa., January 21, 1925. Mrs. Dorrance was a descendant of Elder John Strong of Windsor, Conn., and was also of Huguenot ancestry. She was the mother of the Director of the Society, Miss Frances Dorrance, and became a member of the Society in 1923.

MRS. JENNIE JOSEPHINE DE WITT HARVEY,

widow of Henry Harrison Harvey was born in Belleville, N. J., on September 8th, 1859, and died in Montrose, Pa., on September 6th, 1922. Mrs. Harvey was a descendant of Tjercls Claessen De Witt, being of Dutch Huguenot ancestry on her father's side and of English ancestry on her mother's side. She became a life member of the Society in 1895.

FRANK HOPPER,

educator and former county superintendent of schools, was born October 30, 1858, near Williamsport, Pa. He graduated from the State Normal School of Bloomsburg with high honors, and subsequently taught in the schools of this county, and was elected County Superintendent in 1899. Mr. Hopper died November 2, 1927. He became a member of the Society in 1923.

DR. JOHN TITUS HOWELL,

who died June 17, 1926, was born at Northampton, Pa., and graduated from Jefferson Medical College, Philadelphia, in 1881. He was a resident of Wilkes-Barre and was President of the Staff of the Wilkes-Barre General Hospital for twenty years. Dr. Howell was a descendant of old American stock, was a member of St. Stephen's Church and stood high in the regard of the community as a physician and man of character. He became a member of the Society in 1895.

ANDREW HUNLOCK,

member of Luzerne County Bar, born May 1, 1839, died October 20, 1920. He was of New England stock and was charitable and liberal towards many worthy causes. He had been a member of the Society since 1870, and was one of its benefactors.

GEORGE DIXON JOHNSON

was born at Pomfret, Connecticut, October 2nd, 1831. At two years of age, he went with his parents to Dundaff near Carbondale where he resided until 1849, when he moved to the then primitive mining village of Pittston in the Wyoming Valley.

Mr. Johnson was a mining engineer of wide repute. He was intimately identified with the developments and institutions of Pittston and many throughout the Wyoming Valley. He was active in church work under Dr. Parke and was later identified with the West Pittston Presbyterian Church.

Mr. Johnson was an authority on coal mining and coal land titles and on railroading. His earliest associations were with the Delaware and Hudson Railroad, and the Gravity Railroad—one of the first coal-handling roads in the United States. Mr. Johnson died October 19th, 1922, at West Pittston. He had been a member of the Society for many years.

JOHN WOOLF JORDAN.

Dr. John Woolf Jordan, eldest son of Francis and Emily (Woolf) Jordan, was born in Philadelphia, September 14, 1840. Dr. Jordan through his association with the Historical Society of Pennsylvania of which he was librarian for seventeen years, became a recognized authority on Pennsylvania history, writing many authoritative works. He was the First President of the Federation of Historical Societies, and held office in other similar organizations. He was long a corresponding member of this Society.

GEORGE W. LEACH, Jr.,

aged 70, was killed in an automobile accident on September 7, 1925. He was born in Wilkes-Barre, September 30, 1854, and educated in the public schools of this city. He was an artist of considerable ability and was a dealer in camera and art supplies. Mr. Leach was well versed in local history and became a member of the Society in 1901, whose interests he had much at heart.

ELIZABETH S. LOVELAND,

born March, 1864, died August 24, 1925. She was a resident of Kingston and a descendant of old families of the Wyoming Valley. Miss Loveland, was prominent in every good and patriotic work. She became a life member of the Society in 1900.

FRANK T. McCORMICK,

a Democratic leader in Luzerne County, died September 20, 1926, at his home in Wilkes-Barre. He was born in Schuylkill County, Pa., March 10, 1873, was educated at Wyoming Seminary and Mansfield Normal School, and admitted to the Luzerne County Bar in 1894. Mr. McCormick became a member of this Society in 1924.

MRS. ELIZA ROSS MINER,

wife of the late Charles A. Miner, and mother of General Asher Miner was born in Wilkes-Barre, March 10, 1831. The descendant of well-known families, Mrs. Miner herself was a prominent and revered citizen of this community. She attained the age of ninety-four years and was active and interested in family and civic affairs up to the time of her death on February 21, 1925. Mrs. Miner became a life member of the Society in 1881.

ABRAM G. NESBITT

of Kingston, Pennsylvania, died at that place May 3, 1926, aged 59 years. Mr. Nesbitt was the son of Abram Nesbitt, a prominent business man of this community, and was himself actively interested in the direction of many of the community's greatest industrial enterprises. He was a member of the Methodist Church of Kingston, and that church and the Wyoming Seminary have for years enjoyed his benefactions. One of Mr. Nesbitt's greatest interests was Nesbitt West Side Hospital, founded by his father. He was a descendant of pioneer stock, his ancestors on the Nesbitt side coming to this country from Scotland in 1685. Members of the family were to be found in the Colonial forces who fought in the French and Indian wars, as well as the Revolutionary War. Mr. Nesbitt maintained to the last a true regard for the welfare of the community in which he had spent his life. He was a member and benefactor of the Wyoming Historical Society, and at his death held the office of vice-president.

JOSEPH EMMETT PATTERSON

was born in Union, N. Y., August 22, 1838. He was a direct descendant of John Tilley, one of the passengers on the Mayflower. Mr. Patterson was a well-known business man of this community, and was the founder of the Glen Summit Springs colony. He died February 9, 1925. He became a life member of the Society in 1896.

WILLIAM GRANT PAYNE,

a prominent coal operator of the Wyoming Valley, died at his home in Kingston April 13, 1926, aged 81 years, having been born at Minersville, Pa., July 29, 1844. Mr. Payne devoted his long business career to operating anthracite mines and was well known in this capacity. He became a life member of the Society in 1908.

E. R. PETTEBONE,

born in Kingston, November 24, 1863, died July 27, 1925. Educated at Wyoming Seminary, Mr. Pettebone was the consulting engineer of the Hudson Coal Company; he had been a member of the Society since 1923.

MRS. MARTHA (BENNETT) PHELPS.

born August 2, 1833, in Wilkes-Barre, descendant of the Slocum family and other pioneer families of the Wyoming Valley, and widow of the late John Case Phelps, died

September 6, 1920. Mrs. Phelps had long been a member of the Society and was deeply interested in patriotic and other affairs of the community of which she was a distinguished citizen.

HENRY WELLES PIERCE,

aged 54, died at his home in Kingston, Pa., February 4, 1925. He was a direct descendent of Colonel Zebulon Butler, and was prominent in the affairs of the Pennsylvania National Guard, in which he attained the rank of Colonel. He was a veteran of the Spanish American War. Colonel Pierce became a member of the Society in 1910.

HENRY BLACKMAN PLUMB,

born in Hanover Township, November 13, 1829, died at his home in Bethlehem, Pa., on May 27, 1921, aged 92 years. Mr. Plumb was a descendant of old families from Connecticut. He was particularly interested in local history and was the author of the History of Hanover Township, as well as the genealogical history of both the Plumb and Blackman families. He was an Honorary member of the Society.

WILLIAM HENRY RICHMOND,

born October 23, 1821, in Marlborough, Conn., a pioneer in the Lackawanna Valley, died March 15, 1922, at Daytona Beach, Florida. He had celebrated his 100th birthday anniversary the year before. Mr. Richmond was prominent as a coal operator, was interested in other industries and held many positions of trust in the community, which he had seen develop from a few scattered settlements into the industrial centre it is to-day. He became a member of the Society in 1910.

ROBERT BRUCE RICKETTS, 2nd,

the son of William Reynolds Ricketts and the late Stella Shoemaker Ricketts, was born December 3, 1907, died May 16, 1927. He was a descendant of the early settlers of the Wyoming Valley; his ancestor, on the Shoemaker side, having been killed in the Battle of Wyoming July 3, 1778. In 1909 his grandfather, Col. R. Bruce Ricketts made him a life member of the Society.

ALEXANDER NEWELL RIPPARD,

aged 62, died May 20, 1925, in Wilkes-Barre which was also his birth place. Mr. Rippard was well known in banking and musical circles. He became a member of the Society in 1923.

DR. JACOB IRVING ROE,

born in New Jersey, July 8, 1854, came to Wilkes-Barre in 1888 where he practiced medicine up to the time of his death, July 3, 1922. He was noted as a diagnostician, and was the fourth generation of his family to practice medicine. Dr. Roe was long a member of the Society.

DR. JOSEPH TRIMBLE ROTHROCK,

died at his home in West Chester, Pa., June 2, 1922, aged 84. He was well-known in Pennsylvania as "the father of forestry." Dr. Rothrock who had served in the State previously in other capacities was a recognized authority on botany and was the author of a number of books on the subject. Dr. Rothrock was a corresponding member of the Society. His greatest local work was the starting of the Wilkes-Barre General Hospital.

MRS. CHARLOTTE ROSE RYMAN,

the widow of the late William Penn Ryman, died December 1, 1924. Mrs. Ryman was a life member of the Society.

CHRISTIAN H. SCHRAR,

Christian H. Scharar was born in Germany, and came to Luzerne County as a child. He was affiliated with the Delaware and Hudson Canal Company, being long one of their mining engineers. Mr. Scharar was a well known authority on minerals and gave many rare specimens to the Society, of which he was an annual member from 1882 until his death, June 30, 1920.

MRS. GEORGE SHOEMAKER

of Forty Fort, a descendant of early settlers of the Wyoming Valley, died September 24, 1927, aged 82 years. Mrs. Shoemaker had a long life of usefulness and many will rise up to call her blessed. She was a benefactor of the Society.

MRS. HAROLD MERCER SHOEMAKER,

was Esther Stearns, the daughter of Irving A. Stearns and Clorinda W. Shoemaker Stearns. She was born in Wilkes-Barre March 4, 1885, and died March 20, 1926. Her death occurred while on a visit to her son Irving, who had been seriously ill at school in West Newton, Mass. Mrs. Shoemaker was a descendant through her mother, of the prominent, pioneer families of Wyoming Valley, several members

of which took active part in the Battle of Wyoming. Her father, long prominent in this city, was for a number of years the President of the Society and was particularly interested in its welfare. Mrs. Shoemaker became a life member in 1899.

IRVING STEARNS SHOEMAKER,

the son of Esther Stearns and Harold Mercer Shoemaker was born in this city June 22, 1911, and died at the Fessenden School, West Newton, Mass., March 29, 1926. His death was a particularly sad one as his mother had died but the week before of the same disease, pneumonia. Irving Stearns Shoemaker had been a life member of the Society since 1914. He was the namesake of his grandfather, the late Irving A. Stearns, who was long interested in and for some time president of this Society.

J. BENNETT SMITH,

was born in Wilkes-Barre, Pennsylvania, July 8th, 1834, and died at his home in Kingston, December 9th, 1920. Mr. Smith's mother was of Puritan ancestry, his father of Holland stock. Mr. Smith became a life member of the Society in 1918.

MISS BERTHA STRAUSS,

sister of the late Judge S. J. Strauss, and a member of a family prominent in this city for two generations, died September 11, 1926. She had been a member of the Society since 1923.

JUDGE SELIGMAN J. STRAUSS,

was born in Wilkes-Barre, Pa., August 19, 1852. He was educated in this city and in New York City, graduating from the College of the City of New York in 1872. He was admitted to the Luzerne County bar, September 6, 1875. As Judge of the court he discharged his duties with ability, fidelity and integrity, and was well known as a man of learning. He died May 3, 1926. Judge Strauss became a member of the Society in 1912.

GUY STURDEVANT,

aged 53, died in Wilkes-Barre, May 7, 1925. He was a member of a well known family and was the assistant cashier of the Miners Bank. He became a member of the Society in 1912.

THOMAS KIRKBRIDE STURDEVANT,

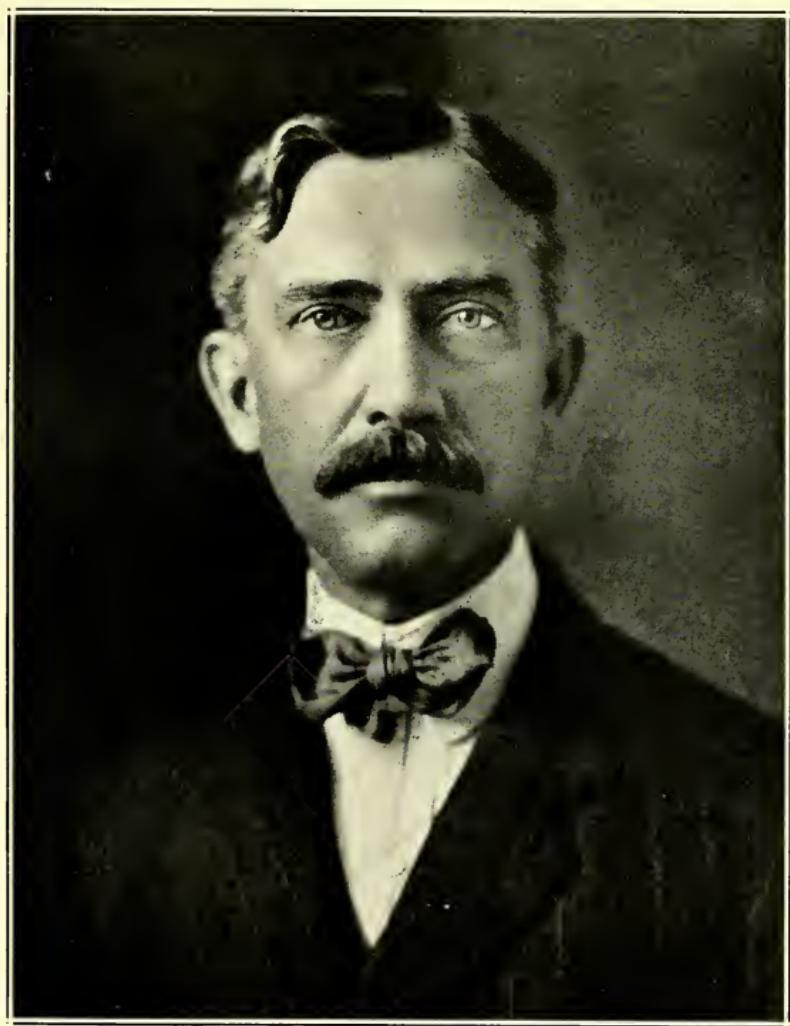
born in Wilkes-Barre on August 27, 1876, son of William H. Sturdevant and Mary Letitia (Thomas) Sturdevant, died April 14, 1922. He was a great grandson of Charles Miner, the historian. His ancestors on both sides came from Connecticut, the Sturdevants from Norfolk, the Miners from Stonington. Mr. Sturdevant was graduated from the Harry Hillman Academy, from Princeton University with honors, and from the Columbia School of Architecture where he received an M. A. degree. He designed and built many of the important buildings of Wilkes-Barre and of this section of the State. He became a life member of the Society in 1898.

SALLIE BRINTON THOMAS,

daughter of Jesse Thomas and Ellen Miner Thomas, was born in McVeytown, Penna., June 29, 1847, and died in her home in Wilkes-Barre on January 3, 1921. She became a life member of the Society in 1892.

HON. JOHN BUTLER WOODWARD,

the fifth of his family to be elected, or appointed to sit on the Bench of Luzerne County, was born in Wilkes-Barre, Pa., April 3, 1861, and died September 6, 1925. Judge Woodward was educated at the Wilkes-Barre Academy, and at Yale University, where he graduated in 1883. Judge Woodward was of distinguished ancestry on both sides of his family, one of his most interesting ancestors having been Colonel Zebulon Butler, the leader of the patriotic forces at the time of the Battle of Wyoming, during the War for Independence. Judge Woodward was elected to the Luzerne County Bench in 1913, and was re-elected in 1923. Among his positions of trust, he was second vice-president of this Society, having held the position from 1914. He became a member in 1895. "As a friend and acquaintance, as lawyer and as judge, as helper and sympathizer, he was regarded as eminent among his fellows. * * * He lived well and wrought well * * * adorned the name he inherited and gave it prolonged repute."



JOHN BUTLER WOODWARD

ROLL OF MEMBERSHIP,

DECEMBER 31, 1927.

HONORARY.

- Joseph Barrell, Ph. D.
 *Rev. Wm. M. Beauchamp, S. T. D.
 Archaeologist, author.
 L. Vernon Briggs, M. D., Author.
 Clarence Chamberlin, Aviator.
 Reuben Nelson Davis. Naturalist, author.
 Rev. George P. Donehoo, D. D., Historian, archaeologist.
 *Hon. Samuel Abbott Green, LL. D.
 Historian, genealogist, author.
 *Rev. Samuel Hart, D. D. Historian,
 author.
 Rt. Rev. J. M. Levering, D. D.
 Thomas Lynch Montgomery, Litt. D.
 Librarian.
- Arthur C. Parker. Archaeologist, author.
 Frederick B. Peck, Ph. D. Geologist.
 *Joseph George Rosengarten, LL. D.
 William Berryman Scott, Ph. D. Geologist.
 John L. Stewart, Ph. D.
 Lion Gardiner Tyler, LL. D. Genealogist, author.
 Rev. Ethelbert Dudley Warfield, LL. D.
 Historian.
 David White. Geologist.
 Edward H. Williams, Jr., F. G. S. A.
 Engineer, geologist, author.

Information on the life and work of these members will be much appreciated.

CORRESPONDING.

- *Edwin Swift Balch. Author.
 *Thomas Willing Balch. Lawyer.
 John Seymour Ball.
 *D. L. Belden. Ornithologist.
 *A. F. Berlin. Archaeologist.
 Maynard Bixby, Mineralogist.
 T. V. Braidwood.
 Philip Alexander Bruce, LL. D. Historian, author.
 *Edmund Mills Barton. Librarian.
 D. M. Collins.
 Stewart Culin.
 Samuel L. Cutter.
 John H. Dager.
 N. H. Darton, F. G. S. A. U. S. Geologist.
 Harry Cassel Davis, A. M., Ph. D., Sec. of George Washington University.
 Rev. Samuel Bayard Dod, A. M.
 Elnathan F. Duren.
 George M. Elwood, F. R. M. S. Biologist.
 William Frear, Ph. D. Chemist.
 Hon. John Gosse Freeze.
 Frank Butler Gay. Librarian.
 P. C. Gritman.
 Stephen Harding.
- A. L. Hartwell.
 Thomas Cramer Hopkins, Ph. D. Geologist.
 Ray Greene Huling, Sc. D. Archaeologist.
 Hon. William Hunting Jessup. Jurist.
 Charles Johnson.
 James Furman Kemp, Ph. D. Geologist.
 Rev. Charles H. Kidder.
 J. R. Loomis, M. D.
 Hon. John Maxwell.
 Edward Miller.
 *Millard P. Murray.
 John Peters.
 James H. Phinney.
 William Poillon.
 S. R. Reading.
 J. C. Rhodes.
 Henry M. M. Richards. Historian, author.
 William M. Samson.
 Gertrude (Griffith) Sanderson.
 W. H. Starr.
 Thomas Sweet, M. D.
 Samuel French Wadham. Lawyer.
 Abraham Waltham.
 Margaret (Lacoe) White (Mrs. Baird).

*Deceased.

Information on the life and work of these members will be much appreciated.

ROLL OF MEMBERSHIP

PERPETUAL MEMBERS.

FOUNDERS.

*James Plater Dennis.
*John Butler Conyngham.

*Hon. Henry Martyn Hoyt.
*Hon. Stanley Woodward.

PATRONS.

*John Welles Hollenback.

*Abram Nesbitt.

ENDOWMENT.

*Henry Herbert Ashley (memorial by his three daughters).
*Eckley Brinton Coxe, 2nd.

*Lillian Foster (memorial by her mother).
Anna Welles Hollenback.

BENEFACTORS.

*Edwin Swift Balch.
*Joseph Swift Balch.
*George Slocum Bennett.
*Zebulon Butler.
*Sophia E. (Norris) Coxe (Mrs. Alexander Brinton).
*Sophie G. (Fisher) Coxe (Mrs. Eckley Brinton).
*Benjamin Dorrance.
*Rev. Horace Edwin Hayden.
Amelia Beard Hollenback.
*Matthias Hollenback.
*Andrew Hunlock.
*Steuben Jenkins.
*Frederick Charles Johnson, M. D.
*Rev. Jacob Johnson.
Fred Morgan Kirby.
*Ralph D. Lacoe.
*Augustus C. Laning.
*Hon. Charles Miner.
*Hon. Charles Abbott Miner.
*Sidney Roby Miner.
Abram Nesbitt, 2nd.
*Abram Goodwin Nesbitt.
*James Nesbitt.

Samuel Nesbitt.
*Isaac Smith Osterhout.
Anna Payne.
*Sheldon Reynolds.
*Elizabeth (Reynolds) Ricketts (Mrs. R. B.), (memorial by Mrs. W. S. McLean, Jr.).
*William Sterling Ross.
*Anne E. (Hoyt) Shoemaker (Mrs. George).
*Elizabeth (Laning) Smith (Mrs. George Cotton).
*Sara (Nesbitt) Smythe (Mrs. Hugh).
*Major Irving Ariel Stearns.
Anna Hollenback Taylor.
Lewis Harlow Taylor, M. D.
Emily (Hollenback) Taylor (Mrs. Lewis H.).
*Edward Welles.
Edward Welles, Jr.
William A. Wilcox.
*Hon. Stanley Woodward.
*Christopher Wren.
*Anna Wright.
*Harrison Wright.

LIFE.

*Lucy W. Abbott.
John H. Abbott.
Frederick W. Ahlborn.
Marion (Ashley) Ahlborn (Mrs. F. W.).
*Emily Isabella Alexander.
*Caroline (Beadle) Ashley (Mrs. H. H.).
*Lucius Ashley.
Mary Slocum (Butler) Ayres (Mrs. Eugene B.).
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Patrons	2
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Life	260
Annual	374
Supporting	2
Sustaining	10
Regular	362
	622

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OF THE

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WILKES-BARRE, PENNSYLVANIA,
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LEIPHAM REUNION.

The first reunion of the descendants of Peter Leipham and his wife, Catherine Berger, was held at the home of John Leipham, near Russell Hill, the old Leipham homestead, on Thursday, August 12, 1926. A thunder storm came at noon-tide, but the spacious rooms and porches afforded ample room for the large gathering. All of the relatives in this neighborhood were well represented. One family, Howard Leipham's, came from Rochester, N. Y.; George S. Amey, wife and son, George H., came from Middletown, N. Y.; Dr. Lloyd Roberson made a flying trip from Ware, Mass.; Dr. A. J. Sawyer and daughter Marion, and Dr. and Mrs. O. H. Johnson, of Manchester, N. H., came by auto. A delightful day was enjoyed in renewing acquaintances and forming new ones. The next reunion is to be at Springville, Pa., the second Thursday of August, 1927.

The following are the officers for the coming year: President, Dr. R. S. Brenton; vice president, John Leipham; secretary, Mrs. Cora Roberson; treasurer, Edward V. Prevost; historian, Rev. W. H. Stang; memorial committee, Dr. A. J. Sawyer, D. A. Cruver and Mary Bush.

The historian reported that the family history would be printed next month. A fine dinner was served by the Ladies' Aid Society of the Vose church. The following persons were present besides those who came from outside of this State.:

G. P. Stang and wife, Susquehanna; J. A. Bush and wife, Edward Bush, Ruby Bush, L. P. Stang and wife, Grace Stang, John Leipham and wife, Lester Leipham, of Brooklyn, N. Y.; M. Bush, F. H. Bunnell and wife, Merton Bunnell, Rev. and Mrs. H. C. Buckingham and daughter Barbara, Mrs. Cora Roberson, W. L. Meserole and wife, Barbara Meserole, John Dudley Meserole, D. A. Cruver and wife, Hartley Cruver and wife, Rev. Henry A. Cruver, Kathryn

Cruver, Mrs. W. I. Avery, Mrs. Lester Prevost, Mr. and Mrs. Edward V. Prevost, Mary Angelique Prevost, Cecelia Elaine Prevost, Pauline Frances Prevost, Edward Lester Prevost, Barbara Ann Prevost, Mrs. John S. Pinnock, Ruth A. Pinnock, Ethel B. Pinnock, Mrs. Harriet S. Smith, George S. Baker and wife, Harriet Ethel Baker, Albert Baker, Mrs. Nellie Henry, Mrs. H. L. Ellsworth, Mrs. Ida Robinson, Mrs. Henry Ellsworth, Mrs. James Clayton, Mrs. Bernetta Robinson, Doris Robinson, Mrs. D. A. Luce, Mrs. A. A. Clayton, Mrs. Evelyn Ellsworth, Mrs. J. W. Valentine, Mrs. Benjamin J. Bartron, Mrs. Arthur Remington, Mrs. Mabel Bartron.

FAMILY OF PETER AND CATHERINE LEIPHAM.

PETER LEIPHAM, b. Pirmasens, July 17, 1791; left Rhine Province of Bavaria 1832; m. (1), one son, Martin; m. (2) Pirmasens, Catherine Berger, b. Pirmasens, June 8, 1800, d. Russell Hill, Pa., March 17, 1868. Thirteen children:

- Amy, b. Pirmasens, June 8, 1827; d. Manchester, N. H., May 14, 1914.
Catherine, b. Pirmasens, Feb. 16, 1829; d. Vose, Pa., Jan. 5, 1906.
Wenzel, d. 1831, at sea.
Henry, b. Stroudsburg, Pa., July 16, 1832; d. Russell Hill, Pa., March 8, 1894.
Sarah A., b. June 8, 1833; d. Mill City, Pa., Feb. 28, 1886.
Mary A., b. Oct. 9, 1837.
Lucy, a twin to Mary, d. in infancy.
Peter, b. Oct. 9, 1839; d. Oct. 26, 1912.
Sabine, b. Dec. 5, 1840; d. Feb. 17, 1912.
Chrissie, died in childhood.
George B., b. June 9, 1844.
Cecelia Elizabeth, b. June 30, 1846.
Elmer, b. May 27, 1849; d. Nov. 5, 1922.

PETER LEIPHAM, SOLDIER AND PIONEER.

Peter Leipham was born at Pirmasens, in the Bavarian Rhine Palatinate, July 17, 1791. In his eighteenth year he enlisted in the army of Napoleon Bonaparte and served five years. While fighting with Russians he received a spear wound in his breast and a bullet in his leg. These scars he showed me when I was a lad. There is a family tradition that he belonged to "The Old Guard." At Waterloo "The Old Guard" was annihilated. After the war he married and had one son, Martin. His wife died and he married Catherine Berger, of Pirmasens. To them were born thirteen children. Three of them died in childhood, Wenzel, Lucy and Chrissie. Amy, Catherine and Wenzel were born in Pirmasens and

Henry, Sarah, Mary and Lucy were born at Stroudsburg, Pa. The other children were born at the Russell Hill homestead.

In 1832 Peter, with some of his neighbors, came to America. A few months afterward his wife came with the four children. They were accompanied by her two sisters, Mary and Amy Berger, and two brothers, Jacob and George Berger. Mary and Amy remained in New York city. She came to Stroudsburg, where they lived several years. Her brothers came there with her. In 1839 they moved to Russell Hill, bought a tract of forest land, built a log house, cleared a fine farm, where they passed the remainder of their days, respected and beloved. Peter Leipham died February 8, 1869, and Mrs. Leipham March 17, 1868, aged 67 years.

Jacob Berger remained at Stroudsburg and has not kept in communication with the Leipham family. George lived at Russell Hill several years then went west and settled at Monee, Illinois, where I visited him in 1866. He had a fine prairie farm and an interesting family. All of them except one daughter have since died.

Dr. A. J. Sawyer writes the following:

MANCHESTER, N. H., June 4, 1926.

Dear Cousin Henry:

In regard to grandfather's record it seems to me he must have been in the battle of Waterloo for this reason: I have heard mother tell many times that her father was a cavalry man and that in one great battle they were all killed but twelve. Different histories place the number of the "Old Guard" who survived at fifteen, twenty and one hundred and fifty.

Sister Frank says that old Dr. Lathrop of Springville, Pa., who used to doctor grandfather, told her that he had many talks with grandfather about the Napoleonic wars and that grandfather told him he was with the army sent out to capture Napoleon on his return from Elba, and how the whole army deserted and went over to the Emperor. This

was the beginning of the Hundred Days War, the end of which was Waterloo. With these well established facts in mind it seems to me he must have been in at the end.

FIRST LINE.

AMY LEIPHAM—JOHN SAWYER.

Amy Leipham, daughter of Peter Leipham and Catherine Berger, was born in Pirmasens, Bavaria, Germany, June 8, 1827. At the age of three or four years, she, with her mother and half brother, Martin, sister Catherine, and brother Wenzel, set sail for America. On the way, Wenzel died and was buried at sea. Arriving in America they joined husband and father at Stroudsburg, Pa., where he had preceded them the year before. They remained here until 1839, when they moved to Russell Hill, Wyoming county, Pa. Here Amy Leipham attended the public schools, grew to womanhood and married John Sawyer of Vose, then called Keiserville, Washington township, Wyoming county, Pa. He was born in Wilkes-Barre, Pa., June 19, 1815, the son of Rev. Ephraim Sawyer (1778-1851) and Mary Stevens Sawyer (1792-1857). Rev. Ephraim was one of the "Green Mountain Boys" in 1812 and 1813, and was the son of Capt. Ephraim Sawyer of North Hero, Vt., who was the son of Col. Ephraim Sawyer of Lancaster, Mass., who, with his five sons, served as officers in the Revolutionary War.

Amy Leipham was married to John Sawyer, March 1, 1847, at the home of David Jayne, Russell Hill Neck, by Rev. Luther Peck. To John and Amy Leipham Sawyer were born nine children:

Frances Helen, Nov. 27, 1847.

Frederick Edwin, Dec. 7, 1848; died 1865.

Catherine, Jan. 13, 1850; died Dec. 10, 1917.

Sarah Harriet, March 16, 1851.

Stephen Douglas, April 10, 1852; died Dec. 19, 1914

John W., June 12, 1856.

Andrew Jackson, June 8, 1859.

Margaret Isabelle, Jan. 19, 1862.

Eudora, May 31, 1865.

With the exception of Dora, all the children were born at the Elsworth Hill farm. Dora was born on the Leipham homestead farm.

John Sawyer died November 14, 1865, and is buried in the family lot in the cemetery at Vose, Pa. He was an expert millwright, having built many of the mills and bridges in that section.

Amy L. Sawyer married James M. Wallace, a prosperous farmer, in Dimock, Pa., November 19, 1874. She survived him and spent the remaining years of her life with her children in Pennsylvania, Washington, and Manchester, N. H. She died in Manchester, N. H., May 14, 1914, and is buried in the family lot of her daughter, Mrs. Frances H. Hall, in Chester, N. H.

She was a most remarkable woman; endowed by nature with a strong and vigorous constitution and a clear, accurate and farseeing mind; active, energetic and proud to her last days. She had a wonderful philosophy of life and a sublime Christian faith which she could both interpret and impart to others; a real character builder, a wonderful mother of a large family, an inheritance more priceless than gold.

FRANCES HELEN SAWYER.

Frances Helen Sawyer, eldest daughter of Amy Leipham and John Sawyer, was born at the Sawyer homestead, Elsworth Hill, Washington, Wyoming county, Pa., November 27, 1847. She married Clark B. Hall, a successful merchant of Hopbottom, Pa., November 27, 1874, and later removed to Chester, N. H., and then to Manchester, N. H., where she now resides at 330 Bridge street. Mr. Hall died in 1911.

To them were born three children: Mary Helen, William C., and Katherine Madge.

Mary Helen was born October 14, 1876, at Chester, N. H. She graduated from Manchester, N. H., High School in 1895, and from Mt. Holyoke College in 1899. She married Dr.

David W. Parker, July 6, 1904. Dr. Parker is a leading surgeon in Manchester, N. H., a graduate of Dartmouth College in 1899, and Harvard Medical School in 1904. They reside at 52 Clark street, Manchester, N. H. To David W. and Mary Helen Parker were born three children: David, who died in childhood at the age of two; Frances Mary, born February 4, 1914, and Mary Woodbury, born July 31, 1915, all in Manchester.

William C. Hall was born in Chester, N. H., on December 15, 1879. He graduated from Dartmouth in 1902. For a time he taught school in a military academy on Staten Island and later engaged in scientific farming in Chester, N. H. He was married August 15, 1915, to Maisie McKindry, only daughter of George and Catherine Fahey McKindry, of Boston, and he is a professional violinist.

Katherine Madge Hall was born in Chester, N. H., January 13, 1884. She graduated from Manchester High School in 1900 and attended Mt. Holyoke for two years, 1900-1902. On June 8, 1909, she married Everett N. Curtis of Boston, now a very successful patent lawyer in New York city, where they live, at 100 Morningside Drive. They have one living child, Karolyn Hope, born December 13, 1918, at their New York home. Mr. Curtis was graduated from the Massachusetts Institute of Technology and from the Boston Law School.

CATHERINE SAWYER.

Catherine in later years wrote her name Kittie E. Kittie Esther Sawyer, daughter of John and Amy, b. Jan. 13, 1850. Taught several terms of school before marriage. m. Sept. 5, 1876, Wm. C. Brenton of West Pittston, Pa., b. Tunkhannock, Pa., Oct. 24, 1850, son of Richard Brenton and Ann Browning, who were born in England, 1825, and came to America, 1849. Wm. C. was a contractor and builder.

Was school director, councilman, and twice elected Burgess of West Pittston. Elected for one term as County Commissioner of Luzerne county. He died May 19, 1921.

Kittie E. Sawyer Brenton died Dec. 10, 1917.

Richard Sawyer Brenton, son of Wm. C., and Kittie E., b. Nov. 10, 1878. Wyoming Seminary; University of Pa. 1902, D. D. S.; practicing in Pittston since 1904. Enlisted April, 1898, in the 9th Pa. Inf. Served during the Spanish War. Elected President of the West Side Bank of West Pittston, Jan., 1925; m. June 6, 1911, Jean Laird Jones, dau. of Gilbert S. Jones and Jean Mitchell. Mr. Jones was Superintendent of Temple Coal Co., and later General Superintendent of Haddock Coal Co., Plymouth and Luzerne. b. in Scotland. Wm. Gilbert Brenton, son of Dr. R. S. and Jean b. Feb. 10, 1913. Resides at 8 Philadelphia avenue, West Pittston, Pa.

Harold B. Brenton, son of Wm. and Kittie E., b. April 30, 1886; Wyoming Seminary and University of Michigan; m. 1913, Dorothy Henderson. Lieutenant in Engineer Corps, World War. Resides at Earlimart, Cal. Manager of a fruit ranch.

SARAH HARRIET SAWYER.

Daughter of John and Amy, b. March 16, 1851. Taught twenty terms of school. m. Albert Post Smith, of Dimock, Pa., Oct. 3, 1877. One child: Dora B. Smith, b. May 7, 1883; m. George S. Baker, June 21, 1910. Two children:

 Harriet Ethel, b. Nov. 21, 1915.

 Albert T., b. May 29, 1917.

Harriet's husband died December 5, 1920. They bought the Dimock homestead and she, with Dora's family, live there. George Baker has purchased the adjoining Smith farm. Address, S. Montrose, R. D., Pa.

STEPHEN D. SAWYER.

Stephen D. Sawyer, son of John and Amy Leipham Sawyer, was born at the Elsworth Hill homestead April 10, 1852, and was educated in the public schools of Washington and Dimock, Pa. He was married October 6, 1875, at Birchardville, Pa., to Miss Ida Johnson, daughter of George and Amelia Stone Johnson, of Birchardville. To this marriage one son was born, George W. Sawyer, September 20, 1876.

Stephen D. Sawyer was a man of rare presence and sterling character, and had the love and respect of the whole community in which he lived. He was a loyal friend and a wise counselor. In early life he was engaged in carriage manufacturing but later gave it up to enter the hotel business at Great Bend, Pa., and Deposit and Callicoon, N. Y., in which business he continued as proprietor until the time of his death, December 19, 1914. His wife survived him but a few years.

George W. Sawyer was educated in public schools and at Binghamton School of Business Administration. He was married January 4, 1899, to Carrie Hines, daughter of Dr. E. P. and Lide Foster Hines of Great Bend, Pa. Mr. Sawyer is engaged in the real estate business in Callicoon, N. Y., and in Florida. The Leipham hospitality strain runs true in his case, you are sure of the "glad hand" whether in the north or south land.

JOHN W. SAWYER.

John W. Sawyer, son of John and Amy, b. June 12, 1856, Vose, Pa. m. Sept. 16, 1879, Julia Dixon, b. Dec. 29, 1855. Seven children:

Fred. J., b. Nov. 15, 1880.

Amy E., b. Feb. 15, 1883.

Wm. F., b. March 14, 1885; d. Jan. 20, 1926.

Effie M., b. Nov. 29, 1886; m. March 11, 1908, Thomas Still; no children. Res. Blackie, Alberta, Canada

Calvin, b. Jan. 15, 1889.

Clarence, b. March 6, 1892; d. July 25, 1921.

Ernest, b. March 20, 1896.

John W. Sawyer came to the State of Washington in 1877. He engaged in farming for several years; then in lumbering and in farming again, which he has successfully followed to the present time. In 1916 he married (2) Anna Stoddard of St. Maries, Idaho. They reside at Davenport, Wn.

Fred. J. Sawyer, m. June 28, 1903, Lottie M. Long. One child:

Helen, b. Dec. 30, 1908.

He is a farmer. Resides at Blackie, Alberta, Canada.

Amy E. Sawyer, m. Fred F. Morse, December 25, 1903. Four children:

Raymond J., b. Jan. 6, 1905.

Floyd F., b. July 9, 1911.

Floy Julia, b. Feb. 8, 1915.

Orrie N., Oct. 2, 1923.

Fred F. Morse owns a fine farm near Davenport, Wn. In 1922 he was elected County Commissioner of Lincoln county to serve two years. He was re-elected in 1924 to serve four years.

Wm. F. Sawyer, m. December 15, 1908, Nora Phillips. Four children:

Kenneth A., b. Dec. 30, 1909.

Wm. Laverne, b. Oct. 4, 1911.

Donald L., b. June 14, 1919.

Julia S., b. July 25, 1921.

Wm. F. Sawyer died at Portland, Oregon, January 20, 1926. Mrs. Sawyer's address is 7020, 83d S. E. street, Portland, Oregon.

Calvin Sawyer, m. June 4, 1911, Ruby Kennedy. Three children:

Alma Irene, b. June 9, 1912.

Ella Clifford, b. Jan. 22, 1914.

Inez Lucille, b. Aug. 15, 1923.

Calvin Sawyer lives on his father's former farm near Davenport, Wn.

Clarence Sawyer, m. December 18, 1915, Minnie Thomas. Three children :

Anna Marie, b. Oct. 21, 1916.

Bernadine Bernice, b. Nov. 30, 1917.

John W., b. June 26, 1920.

Clarence Sawyer died in Alberta, Canada, July 25, 1921.

Ernest L. Sawyer, m. (1) September 22, 1915, Pansie Marie Reeder, d. December 28, 1917. Two children :

Beatrice Julia, b. Sept. 28, 1916.

Pansy Marie, b. Dec. 18, 1917.

Ernest L. Sawyer, m. (2) October, 1919, Minnie Thomas. Four children :

Lester Nelson, b. July 4, 1920.

Audry Loraine, b. Dec. 20, 1921.

Lois, b. Nov. 19, 1923.

Onalea, b. March 10, 1925.

Address of Ernest L. Sawyer, Carfeland, Alberta, Canada.

ANDREW JACKSON SAWYER.

Andrew Jackson Sawyer, son of John and Amy L. Sawyer, was born at the Sawyer homestead June 8, 1859, and was educated in the public schools of Washington, Dimock, and Montrose, Pa., high school. Graduated from the Pennsylvania College of Dental Surgery (now united with University of Pa.), in 1882, and has practised his profession one year in White Haven, Pa., six years in Newmarket, N. H., and thirty-six years in Manchester, N. H. Served on the New Hampshire State Dental Examining Board twelve years; President New Hampshire State Dental Society, 1898; President of New England Dental Society, 1912; honorary member Vermont Dental Society and honorary member of American Academy of Dental Science; served on the Medical Advisory Board in World War. He is a director of Morris Plan Bank and a trustee of the Amoskeag Savings Bank of

Manchester, N. H. He is also a past president of the Manchester Rotary Club; Knight Templar, Shriner and 32nd degree Mason. He married Elizabeth B. Small, daughter of the Hon. William B. Small, former member of Congress from New Hampshire, on September 3, 1890, at Newmarket, N. H. She died March 15, 1921, at Manchester.

To Dr. and Elizabeth Sawyer was born one daughter, Marion, December 10, 1894, who graduated Manchester High School 1913, and Wellesley College 1917, an honor scholar in both institutions. She is now head of the department of Speaking and Dramatics in the Manchester High School.

Dr. Sawyer and daughter Marion reside at 286 Myrtle street, Manchester, N. H.

MARGARET ISABELLE SAWYER.

Margaret Isabelle Sawyer, daughter of Amy Leipham and John Sawyer, was born January 19, 1862 at Elsworth Hill, Washington, Wyoming county, Pa. She was educated in the public schools and was graduated from Pinkerton Academy, Derry, N. H., in the class of 1881. She taught in the public schools of West Pittston, Pa., 1882-1889. She was married at Manchester, N. H., June 25, 1890, to Dr. Orlando H. Johnson, son of Robert T. and Sarah Bennett Johnson of Espyville, Pa. Dr. Johnson was graduated from Mansfield State Normal School, class of 1883, pursued advanced studies at Allegany College; was graduated from the Pennsylvania College of Dental Surgery, class of 1888, and is now practising the profession in Manchester, N. H. They reside at 2367 North Elm street, Manchester. One child was born to this union:

Margaret Elizabeth Johnson, born April 18, 1899. She was graduated from the Manchester High School in 1916, and from Wellesley College in 1920. She was married in Manchester, June 1, 1922, to Mr. Nelson Harvey Smith of

Boston, son of Marcel Nelson and Nellie Hood Smith. He was graduated from Harvard College in 1913, was in aviation service during the World War, and is Vice President and Treasurer of the firm of Smith-Patterson Co., jewelers and diamond merchants, 52 Summer street, Boston. To this union have been born two children:

Caroline Margaret Smith, b. June 29, 1923.

Marcel Nelson Smith, 2nd, b. Sept. 21, 1924.

Mr. and Mrs. Nelson Smith reside at 36 Gray street, Cambridge, Mass.

EUDORA SAWYER.

Eudora Sawyer Seymour, youngest of the nine children of John and Amy Leipham Sawyer, was born at the Leipham homestead, Russell Hill, Wyoming county, Pa., May 31, 1865. She married Prof. Walter Seymour at Scranton, Pa., May 20, 1891. Prof. Seymour was a veteran of the Civil War and was for many years proprietor of a private school in Newark, N. J. Of this union one daughter was born:

Aimee Harriet Seymour, March 12, 1892, at Newark, N. J. She was educated in her father's private school and in the high school of Newark, and was married to Harold Bailey Cleworth, June 3, 1914, at Manchester, N. H.

Issue: John Seymour Cleworth, born May 5, 1915, at Winchester, Mass.

Mr. H. B. Cleworth was graduated from Harvard College 1905, and Law School, 1909. He is now a member of the firm of Robert Douglas and Co., certified public accountants, 49 Federal street, Boston, Mass.

Mr. and Mrs. H. B. Cleworth reside at 79 Cottage street, Melrose, Mass.

SECOND LINE.

CATHERINE LEIPHAM—F. W. H. STANG.

Catherine Leipham, daughter of Peter and Catherine, born Pirmasens, Palatinate, Bavaria, February 16, 1829; died

January 5, 1906, at Vose, Pa. Married F. W. H. Stang at Russell Hill, January 2, 1849, born October 9, 1813, Rhodt, near Pirmasens, Bavaria, died Lemon, Pa., June 28, 1890. Eleven children:

- W. S. Reddin, b. Falls, Pa., Oct. 30, 1849; d. Russell Hill, Aug. 28, 1850.
Wm. Henry, b. at the Leipham homestead, Dec. 20, 1851.
Sarah Janet, b. Pittston, Pa., Aug. 17, 1853; d. May 2, 1864.
Richard Johnson, b. Pittston, Pa., June 1, 1855.
Amy Pena, b. Vose, Pa., Nov. 15, 1858.
Lena Sophia, b. Lemon, Pa., March 16, 1861.
George Peter, b. Lemon, Pa., March 19, 1862.
Louis Philip, b. Lemon, Pa., Aug. 27, 1864.
Mary Ellen, b. Lemon, Pa., May 29, 1866.
Edward Frederic, b. Lemon, Pa., Sept. 11, 1867.
Jennie Etta, b. Lemon, Pa., April 10, 1874.
-

Frederic W. H. Stang, my father, generally wrote his name William Stang. He came to America in 1837 with a half brother, Zigmund Goodwin. Zigmund went to Buffalo, N. Y., and afterward to Rochester. William came to Wilkes-Barre. He was a cabinet maker, carpenter and stone mason. He worked for some time on the North Branch Canal as a mason. Afterward he worked in Florey's mill at Keiserville for seven years. After marriage they lived at Falls one year, then moved to Pittston, Pa., where they lived till the spring of 1857, when they lived a few months near Milwaukee, in what is now Lackawanna county. In December they moved to a tenant house on John Sawyer's farm in Washington township, Wyoming county. In March, 1859, they bought a saw mill with twenty acres of land in Lemon township, and a few years later 200 acres of timber land was purchased. At this home they spent the remaining days of their life. Grandfather Stang's name was Philip Gottlieb Lebrecht Stang. He was a forester and game warden of one of the townships of the Palatinate near Pirmasens. He died at the home of his daughter, Mrs. L. Herbert, in Pirmasens.

Catherine Stang was a modest, affectionate woman, esteemed by all who knew her.

WILLIAM HENRY STANG.

Wm. Henry Stang, son of Wm. and Catherine; b. Dec. 20, 1851. m. Feb. 26, 1885, Mabel Allen of Torrey, Pa., b. July 5, 1857; resides at Shavertown, Pa. Two children:

Philip Allen, b. West Exeter, N. Y., July 27, 1886.

Ambrose Henry, b. Auburn Corners, Pa., July 10, 1889.

W. H. Stang attended Dearborn grammar school, Chicago, Ill., one year, 1866; taught eight terms of school; Wyoming Seminary, 1882. Ordained Local Deacon 1883, and served as a supply one year. Entered Wyoming Conference, Methodist Episcopal Church, 1884. Ordained Elder, 1888. Served the following charges: 1884, Randolph; 1885, Thompson; 1886-87, Exeter and Schuyler's Lake; 1888-92, Auburn; 1893-97, Skinner's Eddy; 1898-1900, Little Meadows; 1901-02, Spencer; 1903-07, Shavertown; 1908-11, Camp-town; 1912-15, Falls; 1916, retired; 1917-18, Springville; 1919-20, Centremoreland; 1921, retired. Living at Shavertown, Pa.

Mrs. W. H. Stang, daughter of Augustus Allen, b. Oct. 29, 1796, Colebrook, Conn. He came to Wayne county, Pa., 1840. Taught school several years and became a prosperous farmer; d. Oct. 25, 1864. Marietta Noble, his wife, b. Oct. 4, 1815, Blandford, Mass.; d. March 23, 1911. Her father, Alvah Noble, came to Wayne county 1821; d. Nov. 18, 1873. Mabel Allen Stang attended Normal school at Prompton, Pa. Taught four terms of school before marriage.

Thomas Noble, 1666-1750. Thomas Noble, 1696-1775. John Noble, 1731-1807, Blandford, Mass. Sergeant in French and Indian War under Captain Moseley's company at Fort Edward. Alvah Noble, 1791-1875. Marietta Noble, 1815-1911.

John Alling, d. 1690. Samuel Alling, 1670-1744, gave five acres of land to Yale College in 1718. Nathan Alling, 1696-1774. Nathan Alling, 2nd, 1729-1812.

Justus Alling, 1766-1808. Augustus Allen, 1796-1864.
Mabel Allen, July 5, 1857.

Philip Allen Stang, son of W. H. and Mabel, b. West Exeter, N. Y., July 27, 1886. Wyoming Seminary, 1906; Syracuse University, 1910, E. E.; m. Sara Kennedy, daughter of James A. and Martha Porter Kennedy, of Merryall, Pa., Aug. 19, 1913, b. March 3, 1886. One adopted child: Nancy Louise, b. Nov. 24, 1915.

He was from a child fond of machinery and became an expert mechanic. Was with the General Electric Co. 1911-1919, and since then with the Metropolitan Edison Co., of Reading, Pa. Resides Lebanon, Pa.

His wife is the daughter of James Andrew and Martha Porter Kennedy.

LOVE COMPENSATES ITSELF.

Is it better to have loved and lost
Than never to have loved at all?

As well might the violet question
The worth of its fragrant bloom,
In its one brief hour of beauty
E'er it fades to its grassy tomb—

As well might the sun resplendant
Question the worth of its light;
Knowing its glory is destined
To be drowned in the depths of night—

As well might humanity question
The value of life's short hour;
Knowing that time is but waiting
To pluck every frail, mortal flower.

As for one true heart to question
The worth of a love that is lost;
For love is love's own compensation
A value exceeding all cost.

—SARA K. STANG.

* * * * *
WHAT IS LIFE?

What is Life?
Life is a Poem. Life is a Song.
On sentimental pinions we rise above the throng.
All nature thrills with music, the angels sing above;
With reverent adoration of Him who reigns in love.
Our lives should thrill with music,
With life's sweet song of praise:
Then peace, joy and plenty shall bless us all our days.

W. H. S.

Ambrose Henry Stang, son of W. H. and Mabel, b. Auburn Corners, Pa., July 10, 1889; Wyoming Seminary, 1906; Syracuse University, 1910, C. E.; m. Aug. 27, 1912, Lillian E. Mahan of Canastota, N. Y., b. Oct. 10, 1891, daughter of James and Mary Persons Mahan. He was instructor in Physics at Ohio Wesleyan, 1910-1914; graduate student of Univ. of Michigan, Ann Arbor, Mich., obtaining M. A. and Ph. D., 1914-1916; Assistant Professor of Physics at Univ. of Oklahoma, Norma, Okla., 1916-1917; from 1917 to 1919 U. S. Army Trans Atlantic Branch, Radio Development Section, Signal Corps; Camp Travis, Texas; Washington, D. C.; Fort Leavenworth, Kans.; Madison, Wis.; Sault St. Marie, Mich.; 1919-1920, Asst. Physicist, Bureau of Standards, Washington, D. C.; 1920-1922, Asst. Physicist Bureau of Standards, Pittsburgh, Pa.; 1922 to date, Engineer Physicist, Bureau of Standards, Washington, D. C.; Member of Tau Beta Pi; Sigma Xi.; Hiram Lodge No. 18, F. & A. M., Delaware, Ohio; Petworth Chapter No. 16, American Society for Testing Materials.

Lillian Mahan Stang graduated from Teachers' Training School, Clinton, N. Y., and taught three years. Her father, James Mahan, b. Brooklyn, N. Y., Dec. 26, 1857, is a retired machinist. Her mother, Mary Persons Mahan, b. Cooperstown, N. Y., Jan. 13, 1864.

A. H. Stang resides at 331 Upshur street, N. W., Washington, D. C.

RICHARD JOHNSON STANG.

Richard Johnson Stang, son of Wm. and Catherine, b. Pittston, Pa., June 1, 1855; m. (1) Mrs. Ella L. Harrigan of Vose, Pa., b. Dec. 3, 1855, d. March, 1887. She had two children by former husband: James and John.

R. J. Stang and Ella had two children: Bertha Ellen, b. March 11, 1883; m. Wm. Dashiel; two sons. Resides at Longview, Idaho.

Harry W., b. Lemon, Pa., Nov. 19, 1886; m. Seattle, Wn., Nov. 14, 1911, Hattie Agnes McIntosh, b. Sept. 15, 1892. Resides at Davenport, Wn. He has been employed by the Davenport Milling Co. for several years.

R. J. Stang, m. (2) Feb. 13, 1888, Ella Kreidler of Wilkes-Barre, Pa., b. 1860; d. Oct. 2, 1888; m. (3) Dec. 10, 1891, Mrs. Ada Mitchell Lacey of Lemon, Pa., m. James E. Lacey, July 18, 1875, divorced April 13, 1885; two children: Anna Fay and Louis Henry Lacey. R. J. Stang and Ada had two children:

Flossie Alzina Stang, b. Dec. 18, 1892; m. Orin V. Hall of Roseburg, Ore.; three children: Harry Hartley, b. May 10, 1913; Viva, b. July 14, 1915; Harold Wesley, b. May 10, 1918. Orin Hall was a farmer, but for several years has been a motorman on the Salem City R. R. Residence, Salem, R. D.

Claude J. Stang, b. April 25, 1896; m. July, 1923, Viola MacFadden of Port Angeles, Oregon, b. Dec. 1907; two children: Betty Ada, b. July 10, 1924; Claudine Viola, b. Oct. 26, 1925. Claude J. Stang was in the U. S. Navy during the World War. He is now an auto mechanic.

R. J. Stang came to Davenport, Wn., in 1889. He was engaged in farming and artesian well drilling for several years, then moved to Roseburg, Oregon. In 1918 they moved to Salem, Oregon, where they now live at 495 South 17th street. He is now employed in a large lumber yard.

Ada Mitchell was the daughter of H. H. Mitchell, Esq., of Lemon, Pa., who for many years was Justice of the Peace of that township.

AMY PENA STANG.

Amy Pena Stang, daughter of Wm. and Catherine, b. Vose, Pa., Nov. 15, 1858; m. Frank W. Thompson, d. Nov. 30, 1888. Three children:

Lucy Ellen, died in infancy.

Virgie T., b. Oct. 7, 1882.

William, died in infancy.

Virgie T., daughter of F. W. and Amy P. Thompson; m. (1) Roswell Conner. Two children:

Vera, b. Davenport, Wn., July 26, 1903; m. Lafe Frank Hill, Dec. 1, 1920; b. Malheur City, Oregon, Feb. 10, 1895. Two children living: Gene Merle, b. Ironsides, Oregon, Jan. 10, 1922. Amy Thelma, b. Oct. 4, 1923. Ross was born at Portland, Oregon, April 11, 1925, d. April 14, 1925. Reside at 209 Thorne street, Kellogg, Idaho.

Amy, b. July 4, 1905; m. Russell J. Calder of Montesans, Wn., Feb. 9, 1925. To them was born May 12, 1926, Geraldine Joy.

Virgie, m. (2) Alpheus A. Whitman. Four children:

Allen A., b. Paradise, Mont., Feb. 17, 1915.
Mildred Sarah, b. Palouse, Wn., Feb. 2, 1917.
Merle T., b. March 6, 1919.
Faith C., b. Aug. 8, 1923.

Resides at Avon, Idaho. Mr. Whitman rents a farm and carries mail on a rural route.

Amy Pena Stang, m. (2) J. P. Burke. They live at Avon, Idaho, and have a section of land near Ironsides, Oregon.

LENA SOPHIA STANG.

Lena Sophia Stang, daughter of Wm. and Catherine, m. March 27, 1889, Daniel W. Brown of Lemon, Pa., b. May 19, 1862, d. Waukon, Wn., Feb. 16, 1921. Two children, both born at Lemon, Pa.

Olin, b. Jan. 6, 1890, lives on a wheat ranch near Edwall, Wn.; graduate of Edwall high school and Washington State College, Pullman; 1913, State Veterinarian. m. Jan. 26, 1923, Maybelle Nina Rogers, Spokane. Her father is a merchant and she taught several terms of school in Spokane.

Jeanette Blanche, b. Sept. 25, 1898. Graduate of Edwall high school and Cheney State Normal School, 1921; m. Oct. 22, 1921, Hale B. Simpson of Miles, Wn., b. Oct. 29, 1894, graduate of State Normal. Three children:

Phylis Marie, b. March 31, 1923.

Robert Wesley, b. April 15, 1924.

Orin Donald, b. Jan. 31, 1926; d. Nov. 21, 1926.

Resides at Waukon, Wn.

Lena S. Stang attended Normal school at West Winfield, N. Y. Taught seven terms of school before her marriage to D. W. Brown. They lived several years on the David Brown farm, Lemon, Pa., then purchased a store at West Nicholson, Pa.

They moved to Edwall, Wn., 1902. They prospered in their land ventures until she and her children own 980 acres of fine wheat land near Edwall and 640 acres in Alberta, Canada. Her address is Waukon, Wn.

GEORGE PETER STANG.

George Peter Stang, s. of Wm. and Catherine, b. Lemon, Pa., March 19, 1862. m. Dec. 24, 1889, Jennie Wakelee of Springville, Pa.; b. Aug. 26, 1864. He is a machinist. For several years has been employed in the Erie R. R. shops at Susquehanna, Pa. He formerly owned a stone quarry and shipped stone from Springville. He is a Past Noble Grand of Lynn Lodge I. O. O. F. and member of Loyal Order of Moose. His wife was the daughter of David Wakelee and Lucy K. Tuttle. She teaches music classes in Binghamton and Susquehanna. Is organist of the M. E. Church of Susquehanna. A member, Tuscarora Chapter D. A. R., Binghamton, N. Y.; of Vesta Rebecca Lodge, Springville, and Sec. of W. C. T. U. of Susquehanna. Her father was a popular Surveyor for forty years in Susquehanna and nearby counties and County Commissioner of Susquehanna county two terms.

LOUIS PHILIP STANG.

Louis Philip Stang, s. of Wm. and Catherine, b. Lemon, Pa., Aug. 27, 1864. m. Aug. 24, 1893, Mary Stuart Vose of Vose, Pa., b. Jan. 15, 1870. Five children all born at Lemon, Pa.:

Wm. Milton, b. May 19, 1894.
 Savannah Irene, b. Aug. 11, 1896.
 Archie Grant, b. Aug. 18, 1898, Student Volunteer 1919,
 res. Davenport, Wn.
 Lester Stuart, b. Aug. 16, 1900, m. Oct. 27, 1925, Lena
 Bunnell of Meshoppen, Pa., res. Clark's Green, Pa.
 Grace Mabel, b. June 14, 1905, Meshoppen H. S. 1923.
 Nurse pupil at M. E. Hospital, Philadelphia, Pa.

Wm. Milton Stang; Meshoppen H. S. 1914; U. of Mich.,
 Ann Arbor, two years, 1916-17. U. S. Army from May 28,
 1918, till after Armistice. Co. F, 313th Reg., 78th Div. In
 France at the front when war closed. Is now salesman for
 Fordson Tractor Supplies. Res. 335 DeWitt Ave., Belleville,
 N. J.

Savannah Irene Stang, Meshoppen H. S. 1916; m. New
 York City Dec. 16, 1922, Arthur N. Palmer, of Philadelphia,
 Pa., b. April 27, 1898. She entered National Stomach Hos-
 pital of Philadelphia as nurse Nov. 30, 1916. Grad. May,
 1920; Operating Supervisor two years; Supervisor of nurses
 two years; housekeeping 1925. Her husband, A. N. Palmer
 Grad. Williamson Trade School 1918, Philadelphia Navy
 Yard 1918-'22. Supervisor of Industrial Arts 1922-'26.
 Res. 832 Highland Ave., Palmyra, N. J.

Mary S. Stang was the daughter of Milton Vose and
 Savannah Bannatyne, and grand daughter of Archie Banna-
 tyne, Esq. and Elizabeth Bunnell. Louis P. Stang lives on
 the Stang homestead, Lemon, Pa. He has been School
 Director and Supervisor of Lemon township for several
 terms. He belongs to Knights of Pythias and Keiserville
 Grange; and is a trustee of the Lemon Methodist Episcopal
 Church.

MARY ELLEN STANG.

Mary Ellen Stang, daughter of Wm. and Catherine, b.
 Lemon, Pa., May 9, 1866; m. Judson A. Bush of Vose, Pa.
 Nine children, all born in Vose, Pa.:

- Ethel Myrtle, b. Dec. 16, 1888; d. March 6, 1901.
 Rachel Agatha, b. Feb. 9, 1891; m. Edward Prevost
 Nov. 27, 1918; four children.
 Grover S., b. March 5, 1894; m. Sept. 16, 1920, Venamae
 Marsh, Ann Arbor, Mich.; three children.
 Katherine Agnes, b. June 9, 1896; m. John S. Pinnock;
 two children.
 Judson F., b. June 5, 1898; m. Feb. 9, 1922, Helen
 Kintner, Tunkhannock, Pa.; two children.
 Ruby Dell, b. Feb. 24, 1901; Meshoppen H. S. 1920;
 taught two terms.
 Leon Scott, b. Sept. 26, 1903; Lanesboro H. S. 1921.
 Edward Travis, b. Sept. 22, 1905; Tunkhannock H. S.
 1923.
 Kenneth Alpine, b. Feb. 11, 1909.
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Rachel A. Bush, daughter of J. A. and Mary E.; m. Edward V. Prevost, Russell Hill, Nov. 27, 1918. She taught ten terms of school. Five children, all born in Russell Hill:

- Mary Angelique, b. Sept. 21, 1919.
 Cecelia Elaine, b. Aug. 30, 1921.
 Pauline Frances, b. April 19, 1923.
 Edward Lester, b. Nov. 10, 1924.
 Barbara Ann, b. May 27, 1926.

Edward Prevost is the great grandson of John Antoine Prevost and Cecelia Lefevre, royalist refugees who fled from France during the French Revolution and were married at or near Asylum, Bradford county, Pa. In 1812 he bought 500 acres of land at Russell Hill, then afterward they lived several years in Philadelphia, then moved to Russell Hill in 1825, where they passed the remainder of their days respected and honored by a host of friends. Edward lives at the old home.

Grover Stephenson Bush, son of J. A. and Mary E.; b. March 5, 1894; m. Venamae Marsh of Ann Arbor, Mich. Three children, all born in Ann Arbor:

- Phylis Mae, b. Aug. 15, 1921.
 Grover, Jr., b. Jan. 13, 1923.
 Orville Scott Earl, b. April 21, 1924.

Grover S. Bush, Meshoppen H. S. 1914; University of Michigan one year; one year in U. S. Army. Resides at 618 East Liberty street, Ann Arbor, Mich.

Katherine Agnes Bush, daughter of J. A. and Mary E.; b. June 9, 1896; m. June 23, 1917, John Pinnock of Meshoppen, Pa. Two children:

Ethel B., b. Jan. 31, 1918.
Ruth Arline, b. July 7, 1922.

Katherine A. Pinnock; Meshoppen H. S. 1914; taught three years. m. John S. Pinnock, son of Frank T. Pinnock and Jennie Van Gorden. His grandparents: Samuel Pinnock and Rachel Marshman came from England. John S. has been a funeral director since 1914. They live in LeRaysville, Pa.

Judson Fasset Bush, son of J. A. and Mary E.; b. June 5, 1898; m. Helen Kintner of Tunkhannock, Pa., daughter of J. Conrad Kintner and Flora Carey. Two children, both born at Carverton, Pa.:

Thelma Lucy, b. Feb. 22, 1924.
Eloise Kintner, b. Oct. 6, 1925.

EDWARD FREDERIC STANG.

Edward Frederic Stang, son of Wm. and Catherine; b. Lemon, Pa., Sept. 11, 1867; m. Eva Carney, March 3, 1897. Went to Davenport, Wn., Feb., 1899. He is a farmer and has a half section of land near Blue Stem, Wn. For several years has rented another half section adjoining his farm. His address is Davenport, Wn.

JENNIE ETTA STANG.

Jennie Etta Stang, daughter of Wm. and Catherine; b. April 10, 1874, Lemon, Pa.; m. March 3, 1897, George S. Amey of Lemon, b. May 28, 1874. She taught school three years before marriage. Two children:

Oscar Donald, b. Dec. 7, 1904; Middletown H. S. Now attending University of Pa. at Philadelphia.

George Henry, b. Feb. 8, 1909; a junior in high school.

The father of G. S. Amey, George Amey, served three years in the Civil War with the 52nd and the 12th P. V. His mother was Anna Shaver, of Huntsville, Pa. She died when George S. was an infant. He was reared in the home of his grandfather, David Amey. He lived there till one year after his marriage; then they moved to Middletown, N. Y. He has worked at railroading for twenty-six years: first with the New York & Western R. R.; then with the Ontario & Western R. R. He is the oldest conductor in the Middletown yard. Resides at 143 Prospect avenue, Middletown, N. Y.

THIRD LINE.

HENRY LEIPHAM.

Henry Leipham, son of Peter and Catherine, b. Stroudsburg, Pa., July 16, 1832; m. Nov. 10, 1859, Meshoppen, Pa., Margaret Hadsall of Exeter, Luzerne county, Pa., b. Sept. 6, 1839; d. July 4, 1917. He died March 8, 1894. Buried in Prevost cemetery, Russell Hill. Two children, both born at Leipham homestead:

John, b. Aug. 25, 1862; lives at the old home.

Cora M., b. Dec. 5, 1870.

JOHN LEIPHAM.

John Leipham, m. Mary Avery, daughter of Edward and Sarah L. Bertran Avery, b. June 6, 1872. Three children, all born at Leipham homestead:

Mabel, b. July 16, 1888.

Edith, b. June 19, 1890.

Howard, b. Feb. 3, 1892.

Mabel, m. Dec. 23, 1908, F. H. Bunnell, son of Nelson and Helen Bunnell, b. Aug. 5, 1882. Merchant at Springville, Pa. One child:

Merton, b. March 16, 1912.

Edith, m. Dec. 7, 1910, W. L. Meserole, Merchant and Postmaster at Springville, Pa., b. Jan. 6, 1880. Two children:

Mary Barbara, b. March 6, 1819.

John Dudley, b. July 12, 1921.

Howard Leipham, m. July 7, 1911, Beatrice Stillwell of Meshoppen, Pa. One child:

Donald Stillwell, b. Sept. 8, 1913.

Howard Leipham is a stationary engineer. Resides at 563 Merchants road, Rochester, N. Y.

CORA MINNIE LEIPHAM.

Cora Minnie Leipham, m. Sept. 20, 1892, Stephen W. Roberson of Tunkhannock, Pa., b. Feb. 18, 1862. Painter and decorator. One child.

Resides at 59 Putnam street, Tunkhannock, Pa.

Tracey Lloyd Roberson, b. Tunkhannock, Pa., July 3, 1896.

Tunkhannock H. S. 1914. One year at Phillips Exeter Academy. Student officer H. T. A., 1918; University of California, 1920, B. A.; graduate of Tufts Medical College, Boston, as M. D., 1923. Finished nineteen months' service as interne at the Worcester City Hospital, Sept. 30, 1924. Began practicing at Ware, Mass., Nov. 1, 1924. Belongs to Phi. Chi. Fraternity; Masonic Lodge No. 188, Oakland, Cal.; Massachusetts State Medical Society; Brookfield Medical Society. Married Aug. 2, 1918, Martha Anna Fecke, of Chicago, Ill., b. May 18, 1895; teacher of voice culture. The father of Mrs. Roberson is Frank J. Fecke, b. Aug. 31, 1853; salesman, her mother was Caroline Oertline, b. Feb. 2, 1861; m. Nov. 5, 1880; reside at Chicago.

Dr. and Mrs. T. L. Roberson have three children:

Lloyd Willie, b. at City Hospital, Worcester, Mass., Oct. 12, 1923.

Frank Tracey, b. at the Mary Lane Hospital, Ware, Mass., Dec. 30, 1924.

Howard Andrew, b. at the Mary Lane Hospital, Ware, Mass., June 13, 1926.

Dr. T. L. Roberson's office is at 45 Main street, Ware, Mass.

Leventte Roberson, the father of S. W. Roberson, was born at Mt. Pleasant, Wayne county, Pa., August 20, 1831. He died at his farm home in Tunkhannock township, February 6, 1911. He married November 15, 1856, Arabella C. Tripp, b. January 27, 1838, in Tunkhannock township. She died at the home of her son in Tunkhannock, June 16, 1923.

IN MEMORIAM.

MRS. MARGARET HADSALL LEIPHAM.

Margaret Hadsall was born in Exeter township, Luzerne county, Pa., September 6, 1839, and died of cancer of the stomach, at the home of her daughter in Tunkhannock, Pa., on July 4, 1917. Her parents, James and Elizabeth Hadsall, had twelve children. Only two are now living: David Hadsall of Mitchellville, Iowa, and Mrs. Mary Mitchell of Honesdale, Pa. When eighteen years old, Margaret came to Me-shoppen to live with her sister, Mrs. John Blackmore, where she became acquainted with Henry Leipham. They were married November 10th, 1859, and began housekeeping on the homestead near Russell Hill, where his parents, Peter and Catherine Leipham began clearing the virgin forest, when he was five years old. To them were born two children, John Leipham, who lives at the old home and Cora (Mrs. S. W. Roberson), of Tunkhannock, Pa. There are four grandchildren and two great grandchildren. Henry Leipham, who was a hard working, prosperous farmer, died on March 8, 1894.

Mrs. Leipham united with the Russell Hill Baptist church many years ago and lived a cheerful, optimistic, Christian life. The most of her widowhood was devoted to practical nursing, where her genial self-possession and sturdy, common sense, created a continuous demand for her efficient services until a few days preceding her death. Manifesting grateful appreciation for the kindness of loving friends, she went

down into the valley of the shadow in Christian triumph. The funeral service was held at the home of her daughter, July 6, 1917, conducted by the Rev. W. H. Stang, assisted by the Rev. F. B. Newman. Beautiful flowers and many sympathizing friends attested the loving esteem in which she was held. The interment was in the beautiful Russell Hill cemetery.

ANCESTOR OF MRS. HENRY LEIPHAM.

JAMES HADSALL, SR., AND MASSACRE OF JUNE 30, 1778.

"James Hadsall, Sr., came to Wyoming Valley from Stonington, Conn., where all of his children were born. He was a Proprietor in the Susquehanna Company as early as June, 1770 (*p. 658), at which time he was, probably, in Wyoming Valley. He was certainly here in 1771, October, and in May and July, 1772, in the last mentioned month being joined by his son, James, Jr. They were both here in October, 1772 (*p. 752). James Hadsall, Sr., was an early settler in the township of Exeter. He owned considerable land near the mouth of Sutton Creek, where he carried on farming and a small tannery. In 1776 he and James Sutton built and operated the first saw and grist mill in Exeter township. James Hadsall and his wife had several children: James, killed June 30, 1778; Stephen, b. 1766; Edward, John, Joseph and William. The last four were taxpayers in Exeter township in 1796. In 1805, Edward removed with some of his family to Martinsburg, Ohio. His son James, born March 20, 1787, remained in Exeter, but afterward moved into Franklin township, where he died in 1885. Daniel Carr, his son-in-law, was held captive for several years by the Indians. Stephen who was in his thirteenth year at the time of his father's death, fled to Stonington, but returned when a man and settled in Monroe township about 1800. He died in 1847."—**History of Wilkes-Barré*, Oscar Jewel Harvey.

In History of Luzerne County, by H. C. Bradsby, 1893, on page 121 is found a list of those killed on the approach of the invaders: Wm. Crooks, Miner Robbins, Benj. Harding, Stukely Harding, James Hadsall, James Hadsall, Jr., Wm. Martin and Quoco, colored. Prisoners from Wyoming: John Gardiner, Daniel Carr, Samuel Carey, David Wallen, Daniel Rosencrans, Elisha Wilcox and Price.

Page 341 says, "Speaking of Fort Jenkins, here were Captain Stephen Harding, Benjamin, Stukely and Stephen Harding, Jr., Samuel Morgan, Ichabod Phelps, Miner Robbins, John Gardiner, Daniel Wallen, and Daniel Carr with their women and children. On June 30, the men left the fort and went up the river a few miles to work among their corn. They were ambushed by the savages and six of them were slain; two Hardings, Miner Robbins, Jas. Hadsall and his son, Jas., Jr., and a colored boy named Quoco." On page 112 a more detailed account is given: "On June 30 Benj. Harding, Stukely Harding, Stephen Harding, Jr., John Gardiner, a lad named Rogers, aged 11, James Hadsall and his son Jas., Jr., and John and his sons-in-law, Ebenezer Reynolds and Daniel Carr together with Daniel Wallen and a negro named Quoco, a servant of W. Martin; twelve in all, went up the river to their farm labors. It is only known that Benj. and Stukely Harding took their guns with them, although some of the others may have had theirs. The Hardings with Gardiner and the boy Rogers worked in the corn field of Stephen Harding, Jr. The Hadsalls and the others, part in Hadsall's corn field and the rest in his tannery near by. Late in the afternoon two suspected Tories appeared, approached the men at work, and offered to stand guard for them. This aroused suspicions and Stephen Harding at once went for the horses, when he returned his companions had quit work and started homeward, and he followed. On the way down was a deep, narrow ravine. As they passed this spot they were fired on. Benj. and Stukely were wounded.

The Indians now rushed upon them and the men fought for their lives but fell. John Gardiner, having no arms, was taken prisoner. The dead Hardings had left all about their mutilated bodies the abundant evidence of their unconquerable bravery. In the meantime another party of Indians had captured James Hadsall, his son-in-law Carr and the negro at the tannery. Those on the island came off in canoes and as they ascended the bank were ambushed and fired upon, killing James Hadsall, Jr., and wounding Reynolds, who fled with Wallen. The boy John Hadsall remained in the canoe and on hearing the firing fled to the woods. He was the first to arrive at the fort and give the awful news. The elder Hadsall, Gardiner, Carr and the negro were taken up the Sutton Creek two miles, to the Bailey farm, now owned by Fred. Snyder, where Hadsall and the negro were put to death, horribly tortured to give an evening entertainment. Stephen Harding, Jr., Reynolds, Wallen, and the boy Rogers fled through the woods, wandering all night and reached the fort next morning. John Gardiner was taken prisoner to near Geneva, N. Y., and put to death. Daniel Carr saw his remains the next day."

Edward Hadsall, son of James Hadsall, Sr., b. Dec. 2, 1762; died in Ohio. m. Abigail Flint Hadsall, b. Nov. 28, 1768. Eleven children:

James Hadsall, b. March 20, 1787; d. May 14, 1885.

Edward, Jr., b. Aug. 29, 1789; d. 1866.

Anna, b. May 29, 1791.

Content, b. Jan. 30, 1794.

Benjamin, b. March 2, 1796.

Silvester, b. June 16, 1798.

Seth, b. May 19, 1800.

Rebecca, b. March 17, 1802.

Abigail, b. Dec. 16, 1804.

Lucy, b. Dec. 17, 1807.

Martha, b. Jan. 16, 1810.

James Hadsall, son of Edward, b. March 20, 1787; d. May 14, 1885. m. Elizabeth Smith Hadsall, b. Dec. 2, 1795; d. March 10, 1885. Two first born children died in infancy.

Edward, b. Jan. 20, 1813; d. 1866.
 Sally Ann, b. June 16, 1815; m. Lewis Culver; d. Dec. 16, 1895.
 Elcy, b. Oct. 28, 1817; m. J. Sands; d. June 6, 1891.
 Henry B., b. July 9, 1820; m. Nancy Dymond; d. April 16, 1905.
 James S., b. Sept. 26, 1822; m. Melinda Brace.
 Guerdon C., b. Dec. 26, 1824; m. Jane Dymond.
 Elizabeth, b. Feb. 15, 1827; d. Aug. 13, 1838.
 Horatio, b. April 7, 1829; m. Clarissa Keezler, July 17, 1851; d. Aug. 14, 1916.
 Penelope, b. April 1, 1832; m. (1) Blackmar; (2) Burr.
 George A., b. July 13, 1834; m. Phebe Phillips.
 Mary A., b. Sept. 14, 1836; m. David Mitchell; d. Aug. 9, 1926.
 Margaret, b. Sept. 6, 1839; m. H. Leipham, Nov. 10, 1859; d. June 4, 1917.

Matthew Smith, b. April 6, 1756; d. June 11, 1795. m. Sarah Smith, b. Oct. 8, 1762; d. Sept. 25, 1857(?). Nine children:

Mary—
 Martha and Sarah, b. Oct. 27, 1777.
 Wait, b. April 11, 1779.
 James, b. Dec. 30, 1781.
 Matthew, Jr., b. Aug. 4, 1784.
 Tilton H., b. Nov. 11, 1787.
 Phebe, b. Sept. 16, 1790; d. Aug. 22, 1791.
 Sara, b. Nov. 5, 1792.
 Elizabeth, b. Dec. 29, 1795; m. James Hadsall.

Sarah Smith, m. (?), Wyman. Two children:

Elcy Wyman, b. March 16, 1801.
 John Wyman, b. Oct. 4, 1802; d. April 6, 1808.

Isaac Smith, b. March 20, 1817; d. Sept. 19, 1908, was the son of Tilton H.

John Hadsall died in Ontario county, New York.

William was killed in War of 1812.

Joseph died in Ohio.

Stephen died in Northmoreland, Pennsylvania.

FOURTH LINE.

SARAH A. LEIPHAM—GEORGE W. ARNTS—GARNER CARR.

Sarah A. Leipham, daughter of Peter and Catherine, b. Stroudsburg, Pa., June 8, 1833, d. Feb. 28, 1886; m. (1) George W. Arnts, son of Henry and Catherine Arnts of Meshoppen, Pa. He was born at Upper Mt. Bethel, Northampton county, Pa., Feb. 24, 1838. Enlisted in Co. K, 143 P. V., 1862. Among missing at Gettysburg, July 1, 1863. Two children:

Katherine Arletta, b. Meshoppen, Pa., Sept. 20, 1859.
Three children.

Helen Augusta, b. Mehoopany, Pa., May 5, 1862. Five children.

Married (2) Garner Carr of Vose, Pa. Four children, all born at Vose, Pa.:

G. Byron, b. Aug. 23, 1869.

Mae, b. March 16, 1871.

Henry Otis, b. Feb. 4, 1873.

Myrtle, b. Dec. 15, 1876; d. Jan. 22, 1910.

KATHERINE ARLETTA ARNTS.

Katherine Arletta Arnts, daughter of Geo. W. and Sarah, m. Dec. 19, 1883, Geo. Allison Carr, b. Dec. 19, 1854. A farmer near Susquehanna, Pa. Three children:

Bertha Elzina, m. Nov. 14, 1912, J. H. Cooper. Resides at 257 Queen street, St. James, Manitoba, Canada. No children.

George Ardee, m. Nov. 24, 1914, Rose Ebson. They are farming at San Simon, Arizona. Five children: Elizabeth Margaret, b. Jan. 14, 1916; Anna Arletta, b. Dec. 31, 1918; Howard Oney, b. Feb. 24, 1920; Mabel Rosabelle, b. Oct. 25, 1922; Mary Aileen, b. Feb. 24, 1924.

Eric Oney, m. Nov. 20, 1917, Violet Dean. He is a carpenter and house finisher. Resides 23 Lewis street, Johnson City, N. Y.

HELEN AUGUSTA ARNTS.

Helen Augusta Arnts, daughter of George W. and Sarah, b. Mehoopany, Pa., May 5, 1862; m. Dec. 29, 1880, Daniel A. Cruver, b. Aug. 18, 1858. Resides at Tunkhannock, Pa. Five children:

Virginia L., b. Dec. 4, 1882; d. Jan. 15, 1922.

Ithiel J., b. Oct. 5, 1887. Resides at Vosburg, Pa.

Kathryn F., b. Oct. 28, 1890. Sales lady with Isaac Long's, Wilkes-Barre, Pa.

Henry A., b. June 6, 1898. Graduated from Philadelphia Bible School, June, 1926.

Hartley L., b. Feb. 1, 1900.

Virginia L. Cruver, m. Dec. 5, 1904, Nelson J. Michael, of Prospect Hill, Pa. Two children:

Stanley J. Michael, b. Newark, N. J., Nov. 20, 1908.

Helen F. Michael, b. Newark, N. J., May 11, 1914.

Ithiel J. Cruver, m. Oct., 1910, Tessie Jayne, of Russell Hill, Pa. Two children:

Ray H. Cruver, b. Russell Hill, July 20, 1911.

Clyde E. Cruver, b. Russell Hill, Jan. 10, 1913.

Hartley L. Cruver, m. Feb. 17, 1926, Myrtle G. Arthur of Laceyville, Pa., b. May 14, 1893. She is a telephone operator at Laceyville. Their address is Laceyville, Pa.

G. BYRON CARR.

G. Byron Carr, son of Garner and Sarah A., b. Vose, Pa., Aug. 23, 1869; m. Jan. 1, 1896, Rowena Maud Mullen, b. Dec. 1, 1871. Four children: Edna, Leonard Ray, Robert Jackson and Charlotte J. G. Byron Carr is a retired farmer living at 24 West 9th street, Tempe, Arizona.

Edna Carr, daughter of G. B. and Rowena M., b. Jan. 13, 1897; m. Feb. 9, 1918, Jacob Thomas. He was in the World War, a member of Co. G., 308th Infantry. She graduated from the Tempe State Normal School 1917, and taught in

Jerome the year that he was in the army. They live at Flagstaff, Arizona. He works in the lumber mills. Four children:

Jacob Robert, b. April 19, 1920.

George Carr, b. Nov. 9, 1922.

Andrew Jackson, b. July 11, 1924.

Albert Richard, b. Jan. 18, 1926.

Leonard Ray Carr, son of G. B. and Rowena M., b. July 3, 1898; m. Aug. 18, 1920, Gladys Collier. He works for the Egan Construction Co., of Phenix, but lives in Tempe. One daughter: Leah J., b. June 27, 1923.

Robert Jackson, son of G. B. and Rowena M., b. Nov. 12, 1902. He works at the Horse Mesa Dam, sixty miles east of Tempe.

Charlotte J. Carr, daughter of G. B. and Rowena b. Aug. 17, 1908. She graduated from the Tempe High School May, 1926.

MAE CARR.

Mae Carr, daughter of Garner and Sarah, b. March 16, 1871, at Vose, Pa. She went to Washington State in 1891; came to Pennsylvania in 1894; then went West again in 1899. m. Sept. 28, 1901, David M. Glasgow, d. Feb. 16, 1914, whose first wife was Ada C. Jayne, daughter of Aaron Jayne of Russell Hill, Pa., d. April, 1894. Mae became an excellent stepmother to their four children. Her address is 1503 13th avenue, Spokane, Wn.

Cecil R. Glasgow, son of David M. and Ada C., b. Oct 3, 1891. He is a civil engineer, graduating from Washington State College with the class of 1917. He enlisted in the U. S. Army Sept., 1917. Went over seas with the 29th Engineers Nov., 1917. Was in the service twenty-two months. He is now working for the Government. Resides at 1678 Portsmouth avenue, Portland, Oregon.

Leo M. Glasgow, son of David M. and Ada C., b. May 28, 1894. Is farming and trucking. Resides Lincoln, Wn.

Arcola Glasgow, daughter of David M. and Ada C., b. June 24, 1896. She is a graduate of the Ritzville High School and the Spokane Expert Business College. She is the Assistant Curator and Secretary of the Public Museum, of Spokane, Wn.

Aaron H. Glasgow, son of David M. and Ada C., b. March 8, 1899. He is a clerk and has recently returned from a trip to China and Japan.

HENRY OTIS CARR.

Henry Otis Carr, son of Garner and Sarah; m. Teppe, Arizona, July 1, 1899, Elizabeth Saylor, b. Merrill, Kansas, Feb. 12, 1876. No children. Farming at San Simon, Arizona.

MYRTLE CARR.

Myrtle Carr, daughter of Garner and Sarah, m. Jesse H. Dunlap, Nov. 6, 1895. One child: Homer C. Dunlap, b. Childs, Pa., Aug. 20, 1897; m. Mildred M. Downing of Carbondale, Pa., b. June 11, 1897. Two children:

Robert Downing Dunlap, b. April 5, 1922.

Charles Howard Dunlap, b. Aug. 2, 1924.

Homer C. Dunlap resides at 48 Archbald street, Carbondale, Pa.

Jesse H. Dunlap, b. Peckville, Pa., Oct. 8, 1867, m. (2) Dec. 23, 1913, Lelia Hall of Scranton, Pa. No children. Resides at 107 Meredith street, Childs, Lackawanna county, Pennsylvania.

FIFTH LINE.

MARY ANN LEIPHAM—W. H. HINES.

Mary Ann Leipham, daughter of Peter and Catherine; b. Stroudsburg, Pa., Oct. 9, 1837; m. Wm. Harrison Hines, Aug. 2, 1862; b. Herrick, Pa., April 21, 1840; d. May 11, 1910. Six children:

Waldo P., b. Herrick, Pa., March 11, 1863.
 Clara E., b. Herrick, Pa., April 11, 1864; d. Oct. 11, 1881.
 Elizabeth E., b. Dekalb county, Ill., Nov. 8, 1865; m. Oct. 4, 1899, Arthur J. Hughes of Saint Louis, Mo., shoe repairer. Three children.
 Etta E., b. Dekalb county, Ill., March 17, 1867; m. Nov. 19, 1884, Artemus W. Mobley, b. Ohio, Oct. 27, 1860; d. Dec. 22, 1903, at Needham, Ark. Five children.
 Jessie J., b. Dekalb county, Ill., Oct. 12, 1868; d. Sept. 6, 1884.

George Lester, b. St. Charles, Mo., May 27, 1881. He lives with his mother at 1404 Ferry street, St. Louis, Mo.

WALDO P. HINES.

Waldo P. Hines, son of Wm. H. and Mary A., b. Bradford county, Pa., March 11, 1863; m. (1) Aug. 25, 1886, Jennie P. Dixon, d. April 6, 1916. Seven children:

Marion V., b. Wentzville, Mo., Feb. 6, 1888; d. Feb. 3, 1917.
 William G., b. Feb. 5, 1890, at Wentzville. Barber. St. Louis.
 Jesse Earl, b. Aug. 2, 1892; d. Feb. 10, 1893.
 Nellie R., b. St. Louis, April 24, 1896; m. June 9, 1916, John Platz of St. Charles, Mo. One child: John, Jr., b. Nov. 2, 1922.
 Verna May, b. O'Fallon county, July 24, 1900. Telegraph operator.
 Waldo Lee, b. St. Charles, June 18, 1902. Chauffeur for Stix, Basus & Fuller, St. Louis.
 Marie Virginia, b. Dec. 15, 1904; d. May 6, 1907.

m. (2) Mrs. Edna Wayland of St. Louis. Waldo P. Hines moved to St. Charles as a deputy sheriff, Aug. 29, 1900. Was elected Sheriff 1904, 1906, and 1908, serving until Dec. 31, 1912. Resides Saulsbury street, St. Louis.

ELIZABETH E. HINES.

Elizabeth E. Hines, daughter of Wm. and Mary A.; m. Oct. 4, 1899, Arthur J. Hughes, b. Wentzville, Mo., May 12, 1868. Four children:

Arthur J., Jr., b. St. Louis, Sept. 11, 1900. Clerk for Wabash R. R. Co., St. Louis.

William F., b. St. Louis, Oct. 18, 1901. Chauffeur for Stix, Basus & Fuller Co., St. Louis.

Emma E., b. Sept. 7, 1903, at St. Louis. Timekeeper, Elder Mfg. Co., 13th and Lucas avenue, St. Louis.

James M., b. St. Louis, Sept. 10, 1906; d. at St. Louis, Nov. 30, 1907.

The Hughes family own their home at 2001 John avenue, St. Louis, Mo.

ETTA E. HINES.

Etta E. Hines, daughter of Wm. H. and Mary A., b. DeKalb county, Ill., March 17, 1867; m. Artemus Mobley, Nov. 19, 1884, b. Ohio, Oct. 27, 1860; d. Dec. 22, 1903. Five children:

Austin, b. Summersville, Sept. 18, 1885; d. Nov. 9, 1918, St. Louis.

Beulah, b. Summersville, Sept. 26, 1887; m. April 26, 1910, Walter Folle of St. Louis. One child: Walter, Jr., b. Feb. 23, 1911. Graduated June, 1925, business college. Walter Folle is a railroad engineer, piloting trains of the Great Central station. Resides 1404 Ferry street.

Lola M., b. July 29, 1889, Summersville; m. June 20, 1910, Roy Murray of St. Louis. One child: Alice, b. July 24, 1911; senior in business college. Roy Murray is a railroad engineer. Resides at 5212 Thrush avenue, St. Louis.

Lawrence E. Mobley, b. Summersville, March 15, 1894; m. Oct. 25, 1916, Leona McLear, b. April 17, 1893. One child: Kenneth Mobley, b. Dec. 20, 1920. L. E. Mobley is a foreman for the Bell Telephone Co. Resides at 5021 Fendler Place, St. Louis.

Ralph Mobley, b. Anniston, July 10, 1899; m. May 14, 1921, Esther Kates. One child: Ralph, Jr., b. Jan 23, 1923. Ralph Mobley is a shipping clerk for Con P. Cunan Printing Co., St. Louis. Resides 5222 Thrush avenue, St. Louis.

SIXTH LINE.

PETER LEIPHAM, JR.

Peter Leipham, Jr., son of Peter and Catherine, b. Russell Hill, Pa., October 9, 1839. His home was a log cabin in the Wyoming county wilderness. He helped to clear the home-stead farm; and with his brother Henry bought another timber tract on which they lumbered for several years after both were married. On May 19, 1863, he married Phebe A. Jayne, whose parents, Aaron and Mary Luce Jayne were also Russell Hill pioneers. Although both lived to be eighty-three years old, neither had traveled outside their own State nor ridden on a railroad. Both Mr. and Mrs. Leipham came from a family of eleven children; six girls and five boys in each family. He engaged in the butcher business for five years and went West in 1876. He first settled on Whidby Island, near Coupeville, Wn. In 1882, he moved to Medical Lake, then in 1883 took up a homestead in the Big Bend. The country at that time was sparsely settled and covered with bunch grass. The nearest town was twenty-five miles distant, where he bought his supplies and sold his produce, enduring the privations of the pioneer life. Later he made his home on the shores of Silver Lake, residing there till his death, October 26, 1912. His wife Phebe was born March 12, 1844, and died March 1, 1920. An infant, Don Aaron, was born January 10, 1887, and died January 31, 1887. Five other children:

Oscar, b. Russell Hill, Oct. 31, 1864.

Ada E., b. Russell Hill, Dec. 2, 1866.

Mary Catherine, b. Nov. 23, 1869.

Jennie A., b. Russell Hill, Sept. 20, 1876.

Warren O., b. Lincoln county, Wn., Aug. 4, 1882.

OSCAR LEIPHAM.

Oscar Leipham, m. June 5, 1899, Nancy Jayne, daughter of Edgar Jayne. Four children:

Alice Helen, b. Dec. 23, 1901.

Henry Peter, b. March 6, 1904.

Albert Edward, b. Feb. 6, 1909. Junior in high school.

Olive May, b. May 15, 1912.

Alice Helen graduated from Pullman College; taught two terms at Mossy Rock; m. Dec. 23, 1925, Howard V. Norris of Pullman, Wn.

Henry Peter attended Pullman College two years. Is now in an architect's office, Seattle, Wn.

Oscar Leipham is a school director. Resides at Davenport, Wn.

ADA E. LEIPHAM.

Ada E. Leipham, m. Dec. 2, 1885, James Glasgow, b. Kingsberry, Ind., March 8, 1857. Farm and dairying near Medical Lake, Wn. Seven children:

Charles L., b. Nov. 27, 1886; d. Dec. 13, 1895.

Hugh Peter, b. May 14, 1888.

Darrell W., b. Feb. 18, 1890.

Arzella May, b. Oct. 21, 1893.

Harl James, b. May 17, 1895.

Max Lewis, b. Aug. 18, 1897.

Ruth Marie, b. June 19, 1899.

Hugh Peter Glasgow attended Medical Lake school, and Blair's Business College, Spokane, Wn. Homesteaded near Northport, Wn.; m. May 14, 1917, at Bosburg, Wn., Minnie McNeil. Farming and stock raising. Three children:

Harvey James, b. Colville, May, 1918; d. aged 11 mos.

Lavern Hugh, b. Medical Lake, March 29, 1920.

Allen Delbert, b. Marcus, April 12, 1922.

Darrell W. Glasgow attended Blair's Business College; sergeant Co. A 28th Engineers during World War; m. June 17, 1920, Elizabeth Stark of Grand City, Mo. He is now book-keeper for Inland Empire By-Products Co., Spokane. One child:

Gwenneth Gray, b. July 21, 1921.

Arzella May Glasgow attended Medical Lake High School; m. Jan. 15, 1918, Hugh W. Phillips of Blue Stem, Wn. Farmer. Two children:

Lois Evalin, b. Jan. 1, 1919.
Edith Elinore, b. Jan. 3, 1921.

Harl James Glasgow trained in Camp Lewis with Battery F., 346 Field Artillery, 91st Division; served as Corporal over seas during World War. Now farming and stock raising near Medical Lake.

Max Lewis Glasgow attended Medical Lake High School. Was drafted but not called when Armistice was declared. He is an attendant at the Eastern Washington State Hospital. He owns a farm near Northport, Wn.

Ruth Marie Glasgow is a graduate of Medical Lake High School and of Cheney State Normal School. She has taught five terms of school. Resides at 114 West 6th street, Aberdeen, Wn.

MARY CATHERINE LEIPHAM.

Mary Catherine Leipham, m. Lincoln county, Wn., Dec. 27, 1891, James Elliot, b. Wisconsin, July 17, 1864. Retired farmer. Resides 1117 Shannon avenue, Spokane. Six children:

Ralph Waldo, b. Dec. 17, 1892.

Sadie, b. Jan. 13, 1896.

George Emmett, b. Aug 12, 1898.

Matthew, b. July 27, 1900.

Infant son, b. Dec. 26, 1902; d. Jan. 20, 1903.

Herbert J., b. Feb. 19, 1908; pupil North Central High School, Spokane.

Ralph Waldo Elliott, graduate from Edwall High School; one year in World War; farmer. Resides Davenport, Wn.

Sadie Elliott, graduate of Edwall High School and Cheney State Normal School; m. May 1, 1923, Alexander E. MacKane, station agent at Marlin, Wn., on the G. N. R. R., where they reside. She is teaching school.

George Emmett Elliott, graduate of Edwall High School;

attended Northwest Business College, Spokane; farmed a while; now lives in Spokane.

Matthew Elliott, graduate of Edwall High School and of Northwest Business College, Spokane. With bank of Edwall one year; is now Assistant Cashier of Bank of Connell, Wn. m. May 29, 1924, Faye Anderson at Pascoe of Franklin county. One child, b. Spokane, Jan. 29, 1926, Mercedes Elliott.

JENNIE A. LEIPHAM.

Jennie A. Leipham, m. at home near Davenport, Jan. 1, 1900, John VanSkiver, b. Columbiana, Ohio, Oct. 15, 1869. Farmer. Three children:

Cleo G., b. Dec. 5, 1905. Farmer. Resides Larene, Wn.
Elsie J., b. Dec. 5, 1901. A normal school graduate;
has taught four terms of school.

Jennie M., b. Aug. 11, 1909.

Resides at Davenport, Wn.

WARREN O. LEIPHAM.

Warren O. Leipham and Glennie L. Sleight, daughter of Mr. and Mrs. S. M. Sleight, formerly from Pennsylvania; were married at the home of Mr. and Mrs. J. W. Sawyer, Davenport, Dec. 25, 1903. Amy Sawyer and Fred F. Morse were married there at the same time.

Mr. and Mrs. Leipham have two daughters: Allene Ida, b. April 19, 1905. Chewallah High School 1924; Cheney Normal 1926. Marian Phebe, b. Oct. 19, 1911. She enters high school this fall.

Warren Leipham has been employed for several years at the manganese plant, Chewallah, Stevens county, Wn.

SEVENTH LINE.

SABINE LEIPHAM—DANIEL CARNEY—BOYD TETER.

Sabine Leipham, daughter of Peter and Catherine, b. Russell Hill, Pa., Dec. 5, 1840; m. March 5, 1865, Daniel Carney of Carney Flats, Pa., b. June 20, 1824; a prosperous farmer, son of John Carney and Nancy. Assessor of Washington

township several terms. He died Jan. 31, 1896, and was buried in the Carney Flats Cemetery.

Sabine Carney moved with her family to Davenport, Wn., Feb., 1899; m. (2) Rev. Boyd Teter, Oct. 9, 1901; b. West Virginia, Dec. 1, 1833; d. Oct. 12, 1917. She was a devout member of the M. E. Church; d. Feb. 17, 1912, and was buried in Mountain View Cemetery, Davenport, Wn. Her husband and son are also interred there.

Sabine Leipham and Daniel Carney had two children:

Eva, b. Carney Flats, Pa.; m. Edward F. Stang, March 3, 1897. They live on a wheat ranch of 320 acres near Blue Stem, Wn.

John E., b. Carney Flats, Pa., March 18, 1868; d. June 1, 1921.

OBITUARY OF J. E. CARNEY.

"John Edgar Carney was born in Wyoming county, Pennsylvania, March 18, 1868, the son of Mr. and Mrs. Daniel Carney. He was educated in the public schools, specializing in book-keeping and shorthand, and was a graduate of the University of Mansfield.

"He came to the State of Washington in 1899 and made his home with his sister and brother-in-law, Mr. and Mrs. Edward Stang, on their ranch near Davenport, Washington, where he remained until his death on June 1, 1921, aged fifty-three years, two months and fourteen days. He is the last remaining member of the family, his nearest living relative being a sister, Mrs. Edward Stang.

"The illness which resulted in his death confined him to his bed for almost a year during which time he suffered much but bore his suffering with patience and fortitude. It was due to the untiring efforts of his sister and brother-in-law, Mr. and Mrs. Stang, and to their ministrations that his life was prolonged and his remaining days on earth made bright and cheerful.

"He had a wide circle of friends who deeply regret his departure from their midst and who will greatly miss his

genial presence, but his death ought to occasion little sadness or sorrow for his disease was a painful one and there was no hope for his recovery, but more than that he was prepared to go and having made his peace with God was able to face death unafraid.

"He died a sincere Christian and spent a great portion of his remaining days in writing to old friends urging them to follow Jesus Christ. He received many encouraging replies to these letters which greatly cheered him and no doubt a large and abundant harvest will result from the good seed he sowed.

"The funeral service was held from the First Presbyterian Church of Davenport. The service was impressive and very largely attended. The local lodge of Odd Fellows, of which he was a member, attended in a body and had charge of the services at the cemetery. The service at the church was conducted by the Reverend David W. Ferry, the pastor, who was a special friend of the deceased and whose privilege it was to receive his testimony and baptize him into the church on earth—the church militant. He is now promoted to the church above—the church triumphant."

MEMORIAL.

Sabina Leipham was born in Pennsylvania December 5, 1840, and died at Davenport, Washington, February 17, 1912. Her father, Peter Leipham, fought under Napoleon at Moscow and Waterloo. In 1865, March 5, Sabina Leipham married Daniel Carney, and to them were born two children, J. E. and Eva, now Mrs. Stang. Both survive her. In 1899 Mrs. Carney moved to Davenport, and in 1901 married Boyd Teter with whom she lived happily until the time of her death. For over forty years she has been a member of the Methodist Episcopal Church. She has not been of the emotional type, but her faith has been of a firm, unwavering military type. She has always given the Savior His proper place in the home by a regular observance of family worship.

Very soon after her last illness began she knew that the end was near. Though not afraid of the Valley of Death she believed it to be the Christian privilege to have special help and comfort, and accordingly prayed that the Savior would be present with her. The result of this prayer was far beyond what people commonly expect. She gave most careful instructions concerning her burial and talked of her past life with such minuteness as to show a perfect mental poise. She was permitted to remain twelve days to exhort and encourage all who were in attendance. On Saturday morning, February 17, at nine o'clock her spirit was quietly set free and so shall she ever be with the Lord.—R. A. GAILEY.

EIGHTH LINE.

GEORGE B. LIPAN.

G. B. Leipham went to Michigan in early manhood, and as a pioneer lumberman worked many years in the lumber woods, on the log drives and as an expert sawyer. He shortened his name to Lipan and his descendants continue to write it Lipan. He with his wife and son Leo reside at 405, 22nd street, Bay City, Mich.

George B. Lipan, born at Russell Hill, Pa., June 9, 1844; m. at Saginaw, Mich., Jan. 10, 1870, Margaret McLinden, born in Canada, Jan. 11, 1852. Eleven children:

- Margaret Ellen, b. Feb. 15, 1871.
- Cecelia Elizabeth, b. Aug. 29, 1873.
- George Albert, b. Feb. 21, 1876.
- Anastasia, b. Aug. 31, 1878; d. May, 1879.
- Clara, b. Dec. 22, 1879; d. June, 1880.
- Mary Louise, b. May 2, 1882.
- Arthur J., b. Dec. 22, 1884.
- Edward James, b. June 3, 1887.
- Elizabeth Agnes, b. Feb. 3, 1890.
- Joseph Leo, b. Feb. 7, 1892.
- Gertrude Irene, b. Jan. 11, 1894.

MARGARET ELLEN LIPAN.

Margaret Ellen Lipan, daughter of Geo. B. and Margaret, b. Feb. 15, 1871, at Carrollton; m. Bay City, Sept. 19, 1893,

Michael Munley, b. Port Colburn, Canada, Oct. 24, 1863. Resides R. F. D. No. 2, Cass avenue, Bay City. Two children:

Mary Munley, b. Bay City, May 28, 1901; m. Bay City, Oct. 12, 1921, Thomas Cavanaugh, b. Bay City, Oct. 16, 1895. Two children: Elaine Cavanaugh, b. Bay City, Aug. 4, 1922. Robert John Cavanaugh, b. Bay City, April 24, 1926.

Gerald Munley, son of Michael and Margaret, b. Bay City, Jan. 12, 1903.

CECELIA ELIZABETH LIPAN.

Cecelia Elizabeth Lipan, daughter of Geo. B. and Margaret, m. at St. James' Church, Bay City, Nov. 27, 1901, Martin John Hurley, b. London, Canada, May 9, 1869. Passenger conductor on Michigan Central Railroad for twenty-eight years. Was also a freight conductor. Four children: Margaret, Phylis, Edward, and George. Resides at 1481 Garland avenue, Detroit, Mich.

Margaret Marie Hurley, daughter of John and Cecelia E., b. Bay City, Dec. 23, 1902. Graduate St. Mary's High School June, 1921; stenographer.

Mary Phyllis Hurley, daughter of John and Cecelia E., b. Nov. 2, 1904. Graduate St. Mary's High School, June, 1923; stenographer.

Edward John Hurley, son of John and Cecelia E., b. Bay City, Aug. 12, 1906. Graduate University of Detroit, June, 1924; Teller, First State Bank of Detroit, Mich. (Branch).

George Joseph Hurley, son of John and Cecelia E., b. Bay City, Nov. 9, 1909; d. Dec., 1909, aged five weeks.

GEORGE ALBERT LIPAN.

George Albert Lipan, son of Geo. B. and Margaret; m. Bay City, Jan. 9, 1909. Maud Dickson, b. Wellston, Ohio, Sept. 6, 1883. Four children:

Clifford Joseph, b. Nov. 10, 1909.
 Rolland George, b. Nov. 30, 1910.
 Maria Arlene, b. March 8, 1912.
 John Ambrose, b. Aug. 23, 1916.
 Resides at 310 Marsac street, Bay City, Mich.

MARY LOUISE LIPAN.

Mary Louise Lipan, daughter of Geo. B. and Margaret; m. at St. James' Church, Bay City, Jan. 12, 1904, John W. Walsh, b. Bay City, Jan. 18, 1875; salesman. Two children:

Mary Elizabeth, b. May 18, 1905. Graduate Holy Redeemer High School June, 1924. Book-keeper and stenographer.

John Matthew, b. July 25, 1908, Detroit, Mich. Automatic screw machine operator.

ARTHUR J. LIPAN.

Arthur J. Lipan, son of Geo. B. and Margaret; m. Bay City, Jan. 17, 1905, Corinne M. La Framboise, b. Feb. 13, 1885, at Bay City. Eleven children:

- Loretta, b. Oct. 25, 1905.
- Arthur, b. March 20, 1907.
- Marjorie, b. May 29, 1909.
- Maxine, b. June 16, 1911.
- Ralph, b. Dec. 16, 1912.
- Madeline, b. May 7, 1914.
- Vivian, b. Jan. 3, 1916.
- Elaine, b. Sept. 14, 1918.
- Janet, b. May 7, 1920.
- Leon, b. Dec. 13, 1921.
- James, b. March 26, 1924.

Resides at 303 Marsac street, Bay City, Mich.

EDWARD JAMES LIPAN.

Edward James Lipan, son of Geo. B. and Margaret; m. July 29, 1919, Emma Marie Yeomans, b. Bay City, Oct. 4, 1889.

E. J. Lipan is a locomotive engineer; resides at 82 Broadway, N. Chicago, Ill.

ELIZABETH AGNES LIPAN.

Elizabeth Agnes Lipan, daughter of Geo. B. and Margaret; m. at Holy Redeemer Church, Detroit, Mich., July 18, 1923,

Dennis Byrne, b. Mooretown, Castle, Kilcullen, Kildare, Ireland, May 28, 1893. City fireman; served one year with the 116th Machine Gun in the World War; six months over seas. One child: Elizabeth Jane, b. Detroit, Mich., March 26, 1924. Resides 5182, 24th street, Detroit, Mich.

JOSEPH LEO LIPAN.

Joseph Leo Lipan, b. Feb. 7, 1892. Resides at 405, 22nd street, Bay City, Mich.

GERTRUDE IRENE LIPAN.

Gertrude Irene Lipan, daughter of Geo. B and Margaret; m. at Holy Redeemer Church, Detroit, Aug. 21, 1923, Albert J. Raschka, b. March 23, 1896, in Mulligan township, Brown county, Minn. Experimental Engineer for the Federal Motor Truck Co. for the past ten years. Resides at 1578 Lansing avenue, Detroit, Mich. One child: Claire Margaret, b. Detroit, Dec. 13, 1924.

NINTH LINE.

CECELIA LEIPHAM—THOMAS STONIER.

Cecelia Leipham, daughter of Peter and Catherine; m. July 17, 1875, Thomas Stonier, son of Thomas Stonier and Clara Baker of Tunkhannock, Pa. They lived at Old Forge and at Sayre, Pa. They moved to Chicago, Illinois, December, 1891. He was engaged in the undertaking business there until his death, September 13, 1909. Her address is 4724 Vincennes avenue, Chicago, Ill. No children.

TENTH LINE.

ELMER LEIPHAM.

Elmer Leipham, son of Peter and Catherine; m. Ida Gates, b. June, 1859; d. May 22, 1913. He was a carpenter, working at coal breaker building in Wyoming and Lackawanna valleys. He died while visiting at the old homestead, Nov. 5, 1922. Five children:

William H., b. Dec. 26, 1878.

Ina Ethlyn, b. Aug. 2, 1879; m. Thomas Addleton, foreman painter for the B. M. M. R. R. Co., Brooklyn, N. Y. Resides at 534, 6th avenue, Brooklyn, N. Y.

Charles, b. Sturmerville, Pa., Sept. 31, 1885.
 Daniel, b. April 21, 1891. Lather. Resides 534, 6th
 avenue, Brooklyn, N. Y.
 Leona, b. Oct. 25, 1899.

WILLIAM H. LEIPHAM.

Wm. H. Leipham, m. Aug. 7, 1901, Elizabeth J. Jackson, b. Feb. 14, 1880, daughter of Earl Jackson and Ann Kellar of Carverton, Pa. Earl Jackson was born at Carverton, July 23, 1837, and lives with his daughter Elizabeth. Mary Ann Kellar was born May 19, 1843. She died Feb. 19, 1892. They were married Feb. 12, 1867. Resides at 3300 Pingree avenue, Detroit, Mich.

Wm. H. and Elizabeth have four children:

Margaret, b. Dec. 11, 1902. N. W. H. S. 1922; Detroit Teacher College 1924; teacher in Detroit public school.
 William, b. Dec. 25, 1903. N. W. H. S. 1923; entered Albion College 1924.
 Jackson, b. March 6, 1906. Central H. S. 1926; enters Michigan State College 1927.
 Harold, b. April 21, 1910. Attending N. W. H. S., class of 1928.

CHARLES LEIPHAM.

Charles, m. Charlotte Fischer, b. New York, June 30, 1887.
 Four children:

Charles, b. July 25, 1910.
 Lester, b. Oct. 12, 1911.
 Howard, b. April 18, 1914.
 Frank, b. Dec. 20, 1919.

Charles is a carpenter. Resides at 280, 7th street, Brooklyn, New York.

LEONA LEIPHAM.

Leona Leipham, m. June 16, 1920, W. Adams, accountant. One child: Albert, b. April 4, 1921. Resides at 271, 12th street, Brooklyn, N. Y.

GEORGE M. GUNDER.

The following obituary notice is clipped from the Norwich, N. Y., Sun of June 15, 1926:

Private funeral services for the late George M. Gunder,

who died late Friday night, were held from the home, 10 Guernsey street, at 8:30 Tuesday morning, the Rev. W. A. Ashmore officiating, and the body was taken by motor to Tunkhannock, Pa., for burial in Sunnyside cemetery at 3:00 o'clock this afternoon.

Mr. Gunder, who has been a resident of Norwich for twenty-one years, was born in New York city October 13, 1847. Fifty-two years ago this fall he was united in marriage with Fannie L. Bartron of Russell Hill, Pa., and they celebrated their golden wedding anniversary in September, 1924.

The deceased served in the war of 1865 as valet to Maj. Oliver Wetmore of Company A, 13th Regiment. He was a well known citizen of Norwich and held in the highest respect by his many friends and neighbors.

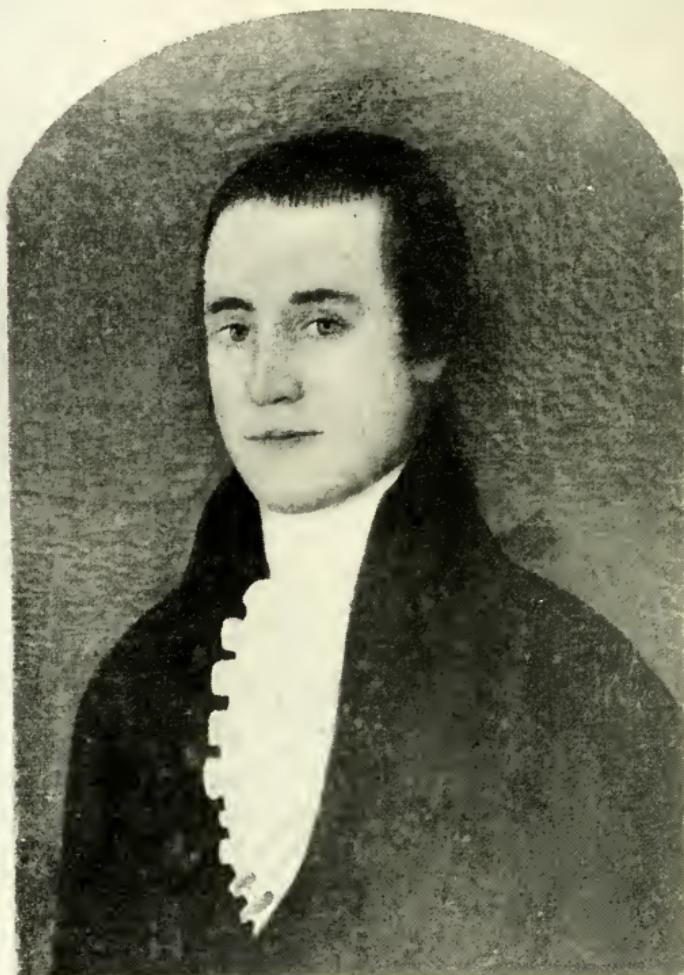
A testimonial of the esteem in which he was held was the large and beautiful floral tribute at the time of his demise.

Mr. Gunder was a charter member of the Red Men's lodge, 175, Meshoppen, Pa., having been affiliated with the organization for more than half a century.

His death has brought sadness to his family and friends, and there are many who will extend sympathy to the bereaved widow and family in the loss of their loved one.

Besides the wife there survive, one son, Fred M. Gunder of Scranton, two daughters, Mrs. Lena Sherwood and Mrs. Walter Markle, of Utica, and a sister, Mrs. Lena Schneider, of New York city.

Rev. Davis, of the Eatonville M. E. Church conducted a prayer service at the grave, assisted by Rev. Henry Stang, of Shavertown, Pa., a cousin of Mr. Gunder. A large number of friends and relatives attended the service at Sunnyside.



Barnabas Barnes

Printed by the courtesy of
HON. JOSEPH E. WARNER,
Attorney General of the Commonwealth,
Boston, Massachusetts.

REPRINT OF THE SUSQUEHANNAH TITLE STATED AND EXAMINED.

FOREWORD.

The tract here reprinted, which Barnabas Bidwell wrote in 1796 as a defense of the claim of Connecticut under her Charter of 1662 to lands lying west of New York, was a part of a war of pamphlets which lasted throughout the last quarter of the eighteenth century. During this time some of the most prominent names in Connecticut and Pennsylvania were engaged in defending the position of one or the other of the two commonwealths: Roger Sherman, Benjamin Trumbull, the learned Dr. William Smith, Provost of the University of Pennsylvania, Eliphalet Dyer, Dr. Ezra Stiles,¹ President of Yale University, and a number of anonymous and less famous individuals. Written with some feeling on both sides, manifestly prejudiced, and always advocating one side or the other, these pamphleteers invariably submitted their "impartial and true account" to an unprejudiced public, secure in the belief that such an honest "appeal to the judgment rather than the passions" would win the approval of disinterested onlookers for the justness of their claim. Each of the writers was obviously unconscious of the fact that an impartial witness might be nonplussed by diametrically opposed accounts, based usually upon similar facts, similar charges of corruption or undue influence against the opposing commonwealth or its inhabitants, or similar accusations of unwarranted land-jobbing schemes. To the social and economic history of the territory involved these pamphlets contribute little; but to the knowledge of the intensity of the desire for the territory on the part of the two commonwealths they contribute much. For this and for the further reason that one of the one-sided pamphlets in this controversy has been published, in the archives of the commonwealth whose

¹ Dr. Stiles' defense of Connecticut's claim was not published. It will be published in the exhaustive compilation of manuscripts relating to the Susquehannah Company and the early settlement of the Wyoming Valley which is now in preparation by the Wyoming Historical and Geological Society.

position it defended, with the statement by the editor that it was a complete vindication of that commonwealth's case, it has been thought advisable to reprint one of the rarer and less known of the pamphlets, namely, *The Susquehannah Title Stated & Examined*.

This pamphlet was first published in serial form in *The Western Star*, Stockbridge, Massachusetts, and in the *Catskill Packet and Western Mail*, Catskill, New York. The entire pamphlet was first published in Catskill, New York, in 1796. While *The Susquehannah Title Stated & Examined* was printed anonymously, there can be no doubt of the fact that Barnabas Bidwell was the author.² Letters from John Jay, Cyrus Griffin, and John Worthington to Bidwell in the year 1796 are evidence enough that he had the subject of the Connecticut claim in preparation. The letter from John Worthington was written from Springfield, Massachusetts, March 22, 1796. In the ninth number of the pamphlet, the author states that certain facts that happened at the Albany Congress in 1754 "can be testified by an honourable member of that Congress still living at Springfield."³ There could hardly be any doubt that this statement was based upon the letter of March 22, 1796. And, if it signifies anything, it is a fact that Bidwell had his law office in the same building with the printing establishment which issued *The Western Star*.⁴

² The authoritative work by F. B. Dexter, *Biographical Sketches of the Graduates of Yale College*, IV, 390, gives Bidwell credit for the authorship. So does H. E. Hayden, *Proceedings of the Society*, II, 122.

³ *Infra*, 43; also, see the Appendix for the letters from Jay, Griffin, and Worthington.

⁴ After the above was in proof, several letters by leaders of the Connecticut claimants were examined, and were found to contain contemporary evidence of Bidwell's authorship so conclusive as to leave the matter no longer open to question. These letters are included in the appendix, being those items taken from the collection of Mr. W. A. Wilcox of Scranton, Pennsylvania. They are published in full, due to the fact that they throw much light upon the activities of the leaders of the Susquehannah Company, and especially upon the uses of propaganda to which Bidwell's pamphlet was put. The letters of Elihu Chauncey Goodrich should be especially noted. One letter from Bidwell is included showing his implication in the affairs of the company.

Written by a young and able lawyer, *The Susquehannah Title Stated & Examined* is strongly argumentative and one-sided. One obvious weakness of the pamphlet is the entire omission of any discussion of the decision of the Supreme Court of the United States in the case of *Van Horne v. Dorrance*, a case which decided the invalidity of titles derived from Connecticut. The author seems most at ease in discussing the legal technicalities of real property, and these portions of the pamphlet furnish its most important arguments. The pamphlet is easily worthy of a place beside the pamphlet by Benjamin Trumbull and that by Dr. William Smith. It was, in fact, the best pamphlet on the subject that appeared in the last years of the controversy. Though it does contain one glaring omission, similar and even worse beclouding of the facts might be pointed out in other tracts on this subject.

There naturally arises a question as to why Bidwell attempted a popular defense of Connecticut's claim to the western territory in the year 1796, after the Trenton decision had settled the matter of jurisdiction in favor of Pennsylvania in 1782. Undoubtedly a renewed interest in the affairs of the company and the Connecticut claim at this time is the explanation. Certain it is that in the summer and fall of 1796 there arose some interest in the fate of the moribund company among the stockholders in western Massachusetts. Several advertisements in the *Western Star* give evidence of this renewed interest. One of these was a notification of a meeting of the local shareholders where "matters of importance to the Proprietors will be transacted;" another offered to buy and sell shares of the company at high prices.⁵ And Bidwell states in the thirteenth number: "It seems to be generally believed that if the public cause were now to be tried, the decision would be in favour of Connecticut."⁶ This interest was largely due, no doubt, to active propaganda on

⁵ *The Western Star*, August 10, 1796; *passim*.

⁶ *Infra*, 105.

the part of leaders of the company, notably Col. John Franklin.⁷

A word of explanation is necessary for the somewhat extended sketch of the life of Bidwell. The chief explanation is the fact that in his own right the man is deserving of a recognition which he has not heretofore received, and this is thought a proper place to suggest some of the accomplishments of his life. A tutor at Yale, a contributor to the early history of the American drama, a writer of some distinction and of undoubted influence in his day, both in this country and in Canada, a leader of his party in New England for a decade, a member of Congress and of the Massachusetts Legislature, an orator of wide reputation, and a political confidant of Thomas Jefferson, he has nevertheless been entirely omitted from all of the encyclopedias of biography in this country.⁸ His contribution in various fields has been thought of sufficient importance to justify such a sketch as the present one.

The footnotes in the pamphlet which are numbered consecutively are those of the editor.

JULIAN P. BOYD, Editor.

Wilkes-Barre, Pennsylvania,
September 13, 1928.

⁷ A letter found in the Tioga Point Museum, Athens, Pennsylvania, after the above was in proof, confirms this opinion: "There is now publishing in several papers at the eastward, a candid statement and investigation of the title of the Susquehannah Company to the lands they claim. It is written by an eminent law character in the State of Massachusetts, at the instance of a number of gentlemen concerned; and by whom he has been furnished with all the important documents and information relative to the subject. It is published and will be circulated, at the expense of the Company, as universally as possible." Clement Paine, Athens, Pennsylvania, September 20, 1796, to Citizen Seth Paine, Charleston, South Carolina.

⁸ Bidwell is, however, included in the forthcoming *Dictionary of American Biography* under the editorship of Dr. Allen Johnson.

BARNABAS BIDWELL, 1763-1833.

In 1810 *The Gleaner*,¹ contemplating sadly the widespread defections that were apparently occurring everywhere among men high in public life, linked the name of Barnabas Bidwell with the names of Robert Morris, Thomas Paine, and others. "Barnabas Bidwell," ran the moral essay, "from an obscure village lawyer, gained an ascendancy with the predominant party, greater than any other individual in New-England. When in Congress, he was not only the open advocate, but the efficient private adviser of all the important measures of the party. The way to the bench of the Supreme Court was open to his walk, and we greatly err, if the Presidency did not appear through the vista of his hopes. Barnabas Bidwell is now an exile—branded with foul aspersions, and gains his subsistence, as an humble pedagogue."²

Such, indeed, were the mutations of the life of this extraordinary, yet obscure man. But happily it is truth to say that his defection was not permanent; the achievements of Bidwell offer more for an impartial student to commend than to condemn. His was a "damaged soul," but not irreparably so. And it is only just to the man that much of his life should be removed from the shroud of obscurity wherein his useful and constructive accomplishments have lain, and that the glaring conspicuousness of his defection should be toned down to its proper hue. There is no need to minimize or gloss over the unfortunate aspect of Bidwell's life, but there is a need to bring his usefulness to light.

Bidwell belonged to the sixth generation of his family in America.³ When Rev. Thomas Hooker in 1635 went into the valley of the Connecticut River, the first representative of the family in America, one John Bidwell, went with him.

¹ Printed by Miner and Butler, Wilkes-Barre, Pennsylvania.

² May 24, 1811; July 5, 1811.

³ Bidwell, E. M., *Genealogy to the Seventh Generation of the Bidwell Family in America*. Albany, 1884, 87.

The grandson of John Bidwell, Thomas Bidwell, who was the grandfather of Barnabas Bidwell, was a merchant of Hartford. Adonijah Bidwell, posthumous son of Thomas Bidwell, who lost his life at sea in 1816, was born in Hartford October 18, 1716, studied theology with Rev. Benjamin Colton of West Hartford, was graduated from Yale in 1740, taught school for a time, served a year and a half at different times as chaplain on naval vessels of the colony of Connecticut,⁴ and about 1750 began preaching in the western part of Massachusetts in the township of Monterey, then Tyringham. He remained in Tyringham thirty-four years, dying in 1784 when his son Barnabas was a junior at Yale. He was married three times and had four children, all by his second wife, Jemima Devotion. Jemima Devotion was a first cousin of Dr. Ezra Stiles, President of Yale University.⁵ She died when Barnabas was eight years old.⁶

Barnabas Bidwell, second son of Rev. Adonijah Bidwell and Jemima Devotion, was born at Tyringham August 23, 1763. Of the four children born to these two, Barnabas alone distinguished himself. All of them lived to be over seventy years of age, Barnabas dying first in 1833.

The seventy years covered by the life of Barnabas Bidwell divide themselves naturally into three fairly integrated parts. The first period embraces his youth and the years up to the time when he entered public life. The second period covers the years of his public life in the United States, from 1790 to 1810. The third period has to do with his public life in

⁴ The diary of his experiences in the fleet against Cape Breton in 1745 is published in the *New England Historic and Genealogical Register*, XXVII, 153-160; see also Bidwell, *op. cit.*, 87.

⁵ Bidwell, *op. cit.*, "His first and second wives were first cousins, and were also first cousins of the celebrated President Stiles of Yale College. The Devotions were a Huguenot family. * * * There is a pedigree of the Devotions in a direct line from Charlemagne through William the Conqueror and a line of English kings for several generations."

⁶ Dexter, F. B., *Biographical Sketches of the Graduates of Yale College*, IV, 387-390; *Tyringham Vital Records to 1850*, 12-13; Bidwell, *op. cit.*, 46, 60-61.

Canada, from 1810 to his death in 1833. The most important period for the purpose of this sketch is, of course, the second.

About the early youth of Bidwell we know nothing. Up to the time of his entering Yale in 1780, the most that we can do is to draw inferences from the known facts of his ancestry and his own later life. By conjecture we may presume that he was a youth brought up in a sober and careful manner in a family that was well above the average in refinement and education. Doubtless the foundation for his intellectual training was laid by the instruction which he received from his father. His youthful reading no doubt included as a part of this training *Pilgrim's Progress* and *Saint's Rest*, those two inevitable tomes in every New England minister's library. Shakespeare and Fielding and the freer literature probably did not come to his knowledge until he arrived at college, if then. His preparation must have been good, for though his mother died when he was eight, he distinguished himself at Yale under the watchful eye of President Stiles. Certain it is that, as the rumbling of the Revolution shifted farther to the southward, a youth of high ambition, versatile talent, and superior training came down from the Berkshire hills and presented himself for admission to Yale College.

His youth had been passed in stirring times. Strong echoes of a spirited struggle had reverberated through his native hills and filled him with a desire for activity. Too young to engage in arms, and perhaps influenced by other motives, he had doubtless waited eagerly for this opportunity to widen his horizon. Before another decade had elapsed, this desire for accomplishment had led his versatile mind in half a dozen different directions. Between *belles lettres*, the law, the ministry, politics, and even farming, his ambition traversed a variety of professions with a restless mind which apparently could not determine which was its forte. In the end he tasted all of them.

A few certain facts emerge during Bidwell's student days,

so that conjecture gives way to meagre knowledge. He distinguished himself as a student, especially in the languages.⁷ He found time, however, for engaging in social activities that throw some light upon the young man himself. In his junior and senior years he was a leader in the Society of the Brothers in Unity, an organization devoted to "forensic disputations," declamations, the reading of essays, dialogues, and other literary productions of its members. Bidwell was secretary and later president of this organization for a time. He apparently took a great interest in its activities, particularly those involving his oratorical and histrionic powers. In 1784 the society produced in the State House a long dialogue called "The Modern Mistake," for the benefit of its members and some alumni members, a public exhibition being forbidden by President Stiles. Bidwell was one of the actors in this dialogue, and it is very probable that it was one of those which he wrote.⁸ At any rate, the training which he received in this society undoubtedly was good preparation for the unique production which stands out above all the other accomplishments of his student days and which won for him comment in the standard histories of the American drama.

While Bidwell was a senior, he wrote and published by subscription a five-act tragedy in blank verse entitled *The Mercenary Match*, the scene of which was laid in contemporary Boston. The title-page gives the author as Barna Bidwell. It is called a tragedy, and well deserves the name. Not a line of humor relieves the plot from beginning to end;⁹ still, the hand of the amateur is so obvious that there is no tension maintained that severely needs the relief of humor. The plot involves an upright public character who has just

⁷ Dexter, *op. cit.*, IV, 388.

⁸ Ms. Minutes of the Society, Yale University Library.

⁹ The only line that might be interpreted by modern Brattle Street as being intended for humor, though of course it was not, comes at the climax of the devastating tragedy when one of the citizens rushes in and exclaims: "My God! Is this in *Boston*?"

been appointed ambassador to France. His wife, becoming restless under the restraints of a *mariage de convenance*, decides to remain in Boston during his absence, near a former lover. This friend, the arch-blackguard of the play, plans frankly and gleefully to rob the ambassador of his post, his fortune, his wife, and, finally, his life. The last is accomplished, but the rest of the plot goes awry, and he and his accomplice are caught and visited with their merited punishment. The play was produced during Bidwell's senior year by the students of the college.¹⁰

William Dunlap, in his *History of the American Theatre*,¹¹ is more facetious than favorable in his comment upon the play: "We have read the very pleasant and laugh-provoking tragedy * * * played by the students of Yale College, under the auspices of the late Rev. Ezra Stiles * * * This tragedy was, perhaps still is, in blank verse. The shouts of laughter produced by the reading of it in a company of young men forty years ago, are vividly recollected, but only two passages are remembered. The first, 'Night follows day, and day succeeds to night', has never been contradicted. The second, 'Sure never was the like heard of before in Boston', though not so measured and harmonious, was equally applauded." Dunlap's judgment, however, is not well-balanced criticism. A recent historian of the American theatre gives

¹⁰ Imperfect copies of the play are in the Connecticut Historical Society and the Library of Congress; the only perfect copy is in Harvard College Library.

It is interesting to note that in 1792 the following law was put in the college rules: "If any Scholar shall any where act a Comedy or a Tragedy, he shall be fined three Shillings, one Shilling if he shall be present at the acting of one; and if in acting he shall put on Women's Apparrel, he shall be publicly admonished." *Laws of Yale College, New Haven, 1792*, 14.

¹¹ Dunlap, 71. The lines are misquoted. Seilhamer, George O., *History of the American Theatre*, II, 2, quotes Dunlap, says nothing is known of Bidwell, and judges from the two misquoted lines that the loss of the play "need not be deplored." P. L. Ford, in some notes on *The Beginnings of American Dramatic Literature*, 1893, 26, gives a more favorable comment.

a saner opinion: "Its main interest lies in the continuance of interest in the college drama, although the leading character, Mrs. Jensen, is rather well portrayed as a restless woman whose dissatisfaction leads finally to murder of her husband, death for herself, and the gallows for her accomplice."¹²

Moreover, while a contemporary second edition of the play was not printed, though contemplated,¹³ the play has been thought of such importance in the history of the early American theatre that a limited edition was recently published.¹⁴

For the purpose of this sketch, the importance of the play lies in the light it reflects upon Bidwell at an important era of his life. Certain passages show an early aptitude for political life. The whole tone of the play reflects a sober attitude of mind with the very evident belief in the ultimate triumph of virtue and the punishment of evil. The form and technique of the play indicate the influence of Addison's *Cato*, and suggest a wide reading of the classics, lending color to Dexter's statement that, as a student, Bidwell excelled in the languages. Perhaps the most important thing of all is the revelation of the feeling of nationality in the student mind of 1785. It reveals the student of 1785, in the very midst of a so-called critical period, thinking in terms of a united nation:

¹² Quinn, A. H., *A History of the American Drama to the Civil War*, 62.

¹³ In the Boston *Repertory* for August 17, 1810, a paper severely critical of Bidwell, there appeared at the end of the announcement of Bidwell's defalcation the following: "When Mr. Bidwell was a rising character, and his famous Tragedy, 'The Mercenary Match' was mentioned in the Repertory, we were offered a handsome subscription for a new edition. But the *mercenary* Senator got up the last copy by means—no matter. He will hardly have a chance to sell himself anywhere again." Bidwell was a State Senator from 1801 to 1805, and it may have been during this time that the second edition was contemplated.

¹⁴ In 1925 Douglas C. McMurtrie brought out in line for line facsimile a four hundred copy edition of the play, due to the fact that the play had, for unavoidable reasons, been omitted from the three volume collection of early American plays by Montrose J. Moses.

Congressman Worthy : "Thy country's happiness,
Is trusted to thy care—a weighty trust."

Ambassador Jensen : "I feel its weight."

Worthy : "O happy country! Blest United States!"

Jensen : "As great in arts of peace as martial deeds!"

Worthy : "The storm of war, that hover'd o'er our shores,
And threatened ruin is dispersed and gone."

Jensen : "The glorious sunshine of reviving peace
Breaks out to cheer this land of liberty."

* * * * *

Worthy : "May He preserve these rising States from
harm!"

Jensen : "May He enlarge their strength and happiness!"

Nationalism was in 1785 a liberal and progressive movement in America, and Bidwell was nothing if not liberal and progressive, to the point, in fact, of being called radical, even as an old man interested in Canadian politics. Thus, as the first evidence of Bidwell's creative instinct, and as an example of the American theatre of 1785, *The Mercenary Match* is a contribution to our dramatic literature which is undoubtedly undeserving of the supercilious notice which Dunlap gave it, and which Seilhamer followed.

On being graduated in 1785,¹⁴ Bidwell turned to teaching, probably from necessity as much as from inclination; there is no evidence to suggest that his father left the four children any competence, and the probability is that he did not. Being fresh from contact with an academic world, he no doubt felt

¹⁴ At his graduation in 1785, Bidwell received favorable comment from President Stiles. On April 13 of that year Stiles made appointments in the senior class for commencement exercises, and Bidwell was one of the four debaters appointed. On May 6 five candidates presented themselves for the Dean's Examination, Bidwell being one of the five. Stiles recorded in his diary that "All honored themselves but the Prize was adjudged to Huntingdon." At the commencement held September 14 in the brick meeting house, Bidwell was one of the debaters on the negative side of the question "Whether the Moral Dispositions of Nations are essentially affected by Difference of Climate." *The Literary Diary of Ezra Stiles*, F. B. Dexter, ed., III, 129, 155, 160, 184.

more ambitious about entering the teaching profession than any other. Accordingly, he began teaching a young ladies' school in New Haven, immediately after his graduation. He probably continued at this until his election in October, 1787, as a tutor in Yale College.¹⁵ On the twenty-third of the same month, President Stiles "introduced Mr. Bidwell into the Tutorship," and the young scholar began immediately upon his duties.

Even while Bidwell was accepting the election to the office of tutor, he was giving evidence of dissatisfaction with a sedentary life, and was showing his leaning toward an active life of politics. In a letter written to David Daggett, later an eminent judge of Connecticut, in the summer of 1787, Bidwell made a classification of the people of western Massachusetts who were participants in the rebellious movement in that region in 1786, which is at once such a pertinent political estimate and such a significant commentary upon his own leanings that it is worth while to quote it at length:¹⁶

"Since I came from New Haven, I have traversed the greatest part of this County and a Considerable part of Hampshire; partly for the sake of business, but more in order to gratify my curiosity and gain information concerning the political state of People. I find the majority of the populace have been disaffected to Governmental measures. The Gentlemen of learning & and liberal professions, especially the

¹⁵ One of the pupils in this school was probably Mary Anna Whiting, later Mrs. Boardman, with whom Bidwell was "a sprightly and gifted friend and correspondent." It is said that she wrote frequently to Bidwell and other gentlemen "but always observed the strictest proprieties," she recalled the pleasant recollections of his instruction. Her brother studied law in Stockbridge with her "early friend and agreeable correspondent, Barnabas Bidwell, Esq., who was at that time rapidly rising to that professional and political eminence which he soon occupied." Schroeder, J. F., *Memoirs of the Life and Character of Mrs. Mary Anna Boardman*, New Haven, 1849, 102, 112-114, 114-116.

As was pointed out above, the mother of Bidwell was a first cousin of Dr. Stiles, and that fact, together with Bidwell's outstanding record as a student, must have been responsible for his appointment. *The Literary Diary of Ezra Stiles*, III, 284-285.

¹⁶ Dated at Tyringham, June 16, 1787. Original A. L. S. in David Daggett Papers, 15, Yale University Library.

Clergy are universally for Government. Debtors are generally on the other side; and this Class comprehends more than half of the people.¹⁷ Persons guilty of crimes, or who wish to commit crimes; Rhode-Island Emigrants and almost all of the denomination of Baptists; men of warm passions & but little reason; men of fickle minds, fond of every new scheme and proud of an enterprising spirit,—Such have pretty generally engaged in the Insurrection. They have been joined by many, who have no attachment to any establishment, but were glad of the commotion, as it gave them something to do. They have also drawn in a large number of boys; and also of the ignorant, uninformed, but well-meaning common people, who hearing such a dreadful outcry against Government, believed there were some intolerable grievances, although they knew not what. Almost all, with whom I have conversed, acknowledge, that they took a wrong method to get redress, by resorting to arms and stopping Courts, when the alterations, which they desired, might be procured by instructing their Representatives or changing them at the ensuing election. Yet they justify themselves, by censuring the consequent treatment of Government. Artful designing men have had the address to engage the multitude in their service, and at the same time make them believe they were serving themselves. When this delusion was once effected, the people scorned to give out, especially as they believed the majority, and indeed almost the whole, to be on their side. This mistake was natural. For let any company or any nation be divided, one half for the present establishment, and the other half for something new, yet the talk will be almost all for the change; and consequently a majority will appear to be on that side. At present each party endeavour to triumph, the Friends of Government, in the total suppression of the rebel force; & the Malcontents, in the change of Administration. Yet if the same is firmly pursued, they will be completely baffled, and Governmen acquire new vigour—which is the wish of your humble Servant.”

¹⁷ Warren, J. P. “The Confederation and the Shays Rebellion,” *Am. Hist. Rev.*, XI, 42-67.

There was one sentiment in this letter which Bidwell in time was to hear thrown at him from several quarters of the Union: "Artful designing men have had the address to engage the multitude in their service, and at the same time make them believe they were serving themselves."

The summer after this letter was written an incident occurred in the little town of New Haven which gives further indication of the political leanings of Bidwell. New Haven in 1788 was overwhelmingly Federalist; Stockbridge, Massachusetts, in 1798 was overwhelmingly Republican. That Bidwell should have adhered to the predominant political coloring of the locality in which he lived was less an evidence of political principles than of political expediency, but it was nevertheless a fact. In 1788 he was a thorough-going Federalist, and in 1798 he wore, figuratively at least, a Jacobin cap.

In the early morning of July 3, 1788, the inhabitants of New Haven were awakened by the ringing of bells, announcing the ratification of the Constitution by Virginia, the tenth acceding State. "We shall rejoice tomorrow," wrote President Stiles in his diary. The Fourth proved to be a genuine rejoicing. At the wharf was formed a long procession, "a Commixture of all Descriptions, accord^g to the Idea conceived at Boston at their Rejoycing last winter. A Sower headed the Procession succeeded by 3 pair of Oxen & one hold^g a plow; then Reapers, Rakers, Shoemakers, Sadlers, Cabinet Makers, Blacksmiths, Goldsmiths, &c. then a Whale Boat manned & row^g a federal Ship, Capt & Sailors, Citizens, Merchts, Scholars of the several Schools, Masters, Tutors of the College, 7 Ministers, City Sheriff, Common Council Men, Aldermen, Mayor Mr. Sherman, the Committee of the Day & Orator."¹⁸ Promptly at noon the procession entered the meeting house, where the formal program began with the reading of the Declaration of Independence and with a prayer

¹⁸ *The Literary Diary of Ezra Stiles*, III, 321-322; *The Connecticut Courant*, July 14, 1788.

by the neurasthenic Dr. Wales, wherein he "particularly noticed the great events which have subserved to the establishment of this fair empire, marked the traits peculiar to the political character of the United States, and with a holy fervor and solemnity, ascribed all the glory and honor to Him who holdeth the nations of the earth in His hand and taketh up the isles as a very little thing," and so on for the duration of twenty-eight minutes.¹⁹ The orator of the day followed, and the formal exercises were closed by the singing of a "Federal Hymn," composed especially for the occasion by Tutor Bidwell.

No doubt when the exercises closed Bidwell was one of the hundred and fifty men who gathered in the State House and drank thirteen toasts together. We can at least feel assured that Bidwell experienced a degree of satisfaction that the new Constitution was adopted. He was of the younger generation which in its first years had heard and been taught nothing but that union between the colonies was the one salvation for them all, and he, like many others in his situation and with his training, had not stopped thinking in that manner. While men in control of affairs looked askance at the many centrifugal tendencies in the period from 1783 to 1788, younger men like the author of *The Mercenary Match* were exclaiming over the perpetuity of the Union. The younger generation in the colleges and the young men who had travelled with the armies, were after all nationalizing forces which furnished the real strength and support of the new government. The "Federal Hymn" was more than a part of a ceremony; it was a declaration of faith, an evangelizing hymn of youthful America that was vibrant with nationality. The young men had no property at stake to be endangered by legislatures in favor of paper money and legal tender clauses; they were not harmed by the tariff wars between the States; they were not speculators in the western

¹⁹ According to the careful timing by Dr. Stiles, *The Literary Diary of Ezra Stiles*, III, 322.

lands; in short, on them the burden of society had not fallen, and they therefore experienced none of the grave misgivings of thoughtful men in the period following the war. On the other hand, they had experienced the ardor and enthusiasm of a struggle that had elements of idealism in it; they had emerged from the shadow of the struggle fresh in the memory of heroic and nationalizing military exploits; and for them the so-called critical period was not a period of danger for their ideals. Ardent in a youthful way without the stabilizing forces of experience, wisdom, and property interests, they were nevertheless faithful votaries of the new order.²⁰ Taken in this sense, the "Federal Hymn" has a significant meaning.

Although his poem "On Human Happiness" was read at a public commencement, and although the "Federal Hymn" was sung on a momentous public celebration, neither of these two literary products are known to be extant.²¹ Yet we may, judging by *The Mercenary Match* and another surprisingly original product of his tutorial days, rely upon the statement by Dexter that Bidwell retired from his tutorship "with considerable reputation for elegance as a writer."²² This other product of his pen was a funeral sermon preached on the occasion of the death of one of the tutors of the college, Roger Newton. Dr. Stiles recorded in his diary on September 2, 1789, that Bidwell delivered his sermon in the Chapel to a crowded audience, but he did not state whether the large audience assembled out of respect for the deceased or out of interest in a speaker of known power and eloquence.²³ No doubt both motives prevailed, but the sermon itself is such an extraordinary example of its kind, and contains such a frank and apparently sincere picturization of the subject that one suspects a large portion of the audience came for the latter motive.

²⁰ A contemporary historian has pointed out such a nationalizing force. David Ramsay, *The History of the American Revolution*, 1811.

²¹ *The Literary Diary of Ezra Stiles*, III, 329.

²² Dexter, *op. cit.*, IV, 388.

²³ *The Literary Diary of Ezra Stiles*, III, 365.

The first half of the sermon was devoted to five or six theories of immortality. In developing his thought Bidwell revealed a familiarity with the classics, and showed himself also to be a student of theology of superior talent. Branding metempsychosis as the "ingenious romance of Pythagoras," he proceeded through a discussion of the various hypotheses until he concluded with the orthodox view of biblical revelation. The last half of the sermon he devoted to the immediate subject of the occasion. With more moderate tones, and less attempt at moving eloquence, he proceeded with an assertion of his disgust at the usual panegyric which funeral orators display. Accordingly, he did the extraordinary thing of attempting to delineate the character and even the physiognomy of Roger Newton to his hearers. Newton, he declared, had "a rich, though not a flighty imagination. He was more distinguished for clearness and penetration than rapidity of thought. * * * His temper was cheerful, except in a few hypochondriac turns, when he viewed the world thro the jaundiced medium of melancholy, a distemper of mind, to which he was naturally a little subject, but which was increased by his sedentary manner of living. * * * His countenance, although somewhat inexpressive when he was silent, was nevertheless grave and venerable at all times."²⁴ Thus, mixing candor with eloquence, Bidwell produced such a superior example of oratory that the students of Mr. Newton made the request that the sermon be printed.

During this time, Bidwell was beginning to think of giving up an academic profession, even though he had talents and inclinations that impelled him in that direction. But an active and restless mind, together, no doubt, with economic factors, at length found "a sedentary manner of living" an improper sphere for his activities. On October 21, 1789, Dr. Stiles recorded in his diary that Tutor Bidwell was the only tutor

²⁴ *An Oration on the Death of Roger Newton, Jun'r. New Haven, 1789.* Copies are in Yale University Library and The American Antiquarian Society.

present; the next day there was a significant entry to the effect that the "Tutors about resign^g on account of Reductⁿ of their Salaries last Commenc^t."²⁵ Though the reduction was not a drastic one, it is very probable that Bidwell found the remuneration of the teaching profession inadequate to his ambitious plans, even without the embarrassment of a reduction. At any rate, in August, 1790, Dr. Stiles recorded that Bidwell had gone to New York, and on September 10 an entry was made to the effect that he had resigned his tutorship.²⁶

II.

Whether that trip to New York had any bearing on his resignation, or his determination to take up a new profession, we do not know; but Bidwell had at any rate decided to study law. Bidding the academic calm of New Haven farewell, he turned his steps toward the Berkshire hills as a promising place in which a young lawyer could study and develop his practice. It was quite natural that he should have done so. First of all, it was his home, and he was among friends and relatives who knew him and knew his reputation.²⁷ Then, too, in 1790 the western region of any of the States offered an inducement to a young lawyer. Coming to Stockbridge as he did with the prestige of a distinguished record in college, with a reputation for writing and for culture, with distinction as an orator, and having the advantage of returning to familiar scenes among familiar people, the young man of twenty-seven, handsome of face, erect of carriage, dignified in manner, was almost bound to succeed in the law.

He studied under Judge Sedgwick, then one of the leading lawyers of western Massachusetts. Under his careful training, and with the advantage of one of the best law libraries

²⁵ *The Literary Diary of Ezra Stiles*, III, 369.

²⁶ *The Literary Diary of Ezra Stiles*, III, 400, 402.

²⁷ A brother, Adonijah Bidwell, was living at Stockbridge at this time.

in the commonwealth,²⁸ Bidwell prepared himself during the winter and spring of 1790-1791. Due to his ability and the peculiar advantages of study under Judge Sedgwick, he was so successful in his study that he soon gave up the position of assistant to Judge Sedgwick, and stood upon his own resources. He was admitted to the bar of the court of common pleas early in the fall, and on October 11, 1791, there appeared in the *Western Star* an announcement of his beginning of a new career: "Barnabas Bidwell Informs his Friends and the Publick that he has opened an Office under the same roof with the Printing Office, where he attends to all branches of Law business, upon the customary terms."²⁹ Bidwell had finally reached maturity, started upon a profession which during all his life was his greatest interest, and was, as the *Repertory* said in later years, "a rising character."

The few records that appear now and then from the years 1791 to 1795 indicate that Bidwell was busily engaged in establishing his practice, his fortune, and his home in the town of Stockbridge. In September, 1791, he was successful in securing the office of treasurer of the county of Berkshire, which office he retained, even during his incumbency of various other offices, down to 1810.³⁰ Numerous advertisements that appeared in *The Western Star* from time to time during the ensuing years indicated that the young lawyer was diligent and active in collecting the funds owed the county.³¹

²⁸ The caustic *Repertory* in 1810 published its damaging "Memoirs of Barna Bidwell," which included the following: "Mr. Bidwell came into the County of Berkshire, recommended to the patronage of Judge Sedgwick, then a practitioner at the Bar. He was admitted into his office, received the benefit of his instructions, and of one of the best libraries in the State." *Repertory*, August 28, 1810.

²⁹ *The Western Star*, October 11, 1791.

³⁰ Dexter, *op. cit.*, III, 388.

³¹ *Idem*, October 11, 1791; March 20, 1792; December 6, 1791; in the light of subsequent events, the following advertisement addressed to the assessors and collectors is pertinent: "Notwithstanding the present scarcity of money, the Treasurer hopes that a sense of justice to the public creditors, and an ambition to see the County once out of debt * * * will induce them to make all necessary exertions." June 8, 1798; July 3, 1798. *The New England Palladium*, for September 4, 1810, states that Bidwell was chosen treasurer in 1792.

During this period Bidwell also took an active lead in the affairs of the town of Stockbridge and the county of Berkshire.³² During the year 1792 he became collector of excise for the county, which office he announced his intention of resigning in August, 1794, a fact which may possibly be a first indication of his changing political views.³³ Before he had been practicing two years, Bidwell had purchased a small farm, which he left under the direction of an overseer.³⁴ In farming, securing remunerative political offices, in the administration of estates, and in an effort to secure management of the post office at Stockbridge, one can see an indication of a wide variety of interests and an aptitude for taking over enterprises that would yield profit. Thus is revealed a side of Bidwell's nature not generally found in poets and playwrights.³⁵

It was during this period that Bidwell was married. Within a few months after he entered upon his practice at Stockbridge, he was married to a Miss Polly Gray, a daughter of Col. James Gray of Stockbridge.³⁶ During the time that Bidwell was engaged in writing *The Susquehannah Title Stated & Examined*, their first child, Sarah Gray, was born.³⁷ In 1799 a son, Marshall Spring, later an eminent lawyer in Canada and New York, was born to them. Bidwell's wife died in 1808, just before he left this country.

³² *The Western Star*, January 15, 1793; May 15, 1792.

³³ *Idem*, May 15, 1792; August 11, 1794.

³⁴ *Idem*, October 20, 1794; October 28, 1794; November 4, 1794; May 14, 1798; June 9, 1795; June 16, 1795; June 23, 1795; July 5, 12, and 19, 1796.

³⁵ Years later, Josiah Quincy, being forced to yield his criticism of Bidwell's choice of words, sat down with the sarcastic remark: "It is a word in use among poets and classical men, but not among men of business." *Annals of Congress*, Ninth Cong., 1st. sess., 280.

³⁶ They were married in Watertown, since Miss Gray's father was lately deceased. Dexter and Bidwell gave her name as Mary Gray. Polly Gray Bidwell was born May 28, 1764, and died February 2, 1808. Dexter, *op. cit.*, IV, 390; Bidwell, *op. cit.*, 87; *The Western Star*, March 5, 1793.

³⁷ Dexter, *op. cit.*, IV, 390. She was never married, and died January 20, 1864.

The incident of the post office reveals the alertness of Bidwell's mind toward matters of public concern and also establishes an important fact about Bidwell's private fortune that throws some light upon charges later made against him. The young lawyer was, in spite of his growing practice, in need of greater income; consequently, on November 9, 1791, he wrote to Senator Roger Sherman, of Connecticut, and suggested the need of establishing a post road from Springfield to Stockbridge:³⁸

We apprehend it is a great hardship not to have some Public Post road through the county, as it in some measure cuts us off from the rest of the country. From this town a Post road to Bennington would accomodate the Vermont people, as they would by it get the southern intelligence as soon as they could by Albany and the eastern (news) a week sooner * * * Should a Post Office be established in this Town, and no person more suitable apply for it, I will that you, Sir, if it would not be disagreeable, to mention my name to the Postmaster General. * * * I make this request to you, because you have known me a number of years, & can judge how far I am a proper person. I keep an Office in the Centre of the town, under the same roof with a Printing Office, and am pretty constantly at home. It would be some benefit to me, on account of communication from Clients at a distance. And small things, you are sensible, are objects to beginners. Your interest in this matter, as far as is consistent with propriety, will confer an additional obligation upon, Sir, your obliged humble serv^t

This letter is perhaps the most revealing document concerning Bidwell's personal life that we have. First of all, he was "pretty constantly at home" at his office; whether kept there by the amount of business or by a sense of duty to his profession, or by study, we do not know. He was in need of small incomes from various sources, "objects to beginners." Finally, though he had hardly entered his new law office, he had clients "at a distance," a fact naturally to be

³⁸ A. L. S. Original in the Massachusetts Historical Society.

expected in the scattered population of that region, but still indicating that the young lawyer was not without practice even in the beginning. It is interesting to note that the post road from Stockbridge to Bennington, Vermont, was actually undertaken by the alert Timothy Pickering in the next year, whether as a result of Bidwell's suggestion the preceding November is not known.³⁹

By 1795 Bidwell's first objective had been attained. With a farm under the management of an overseer, with an ever increasing legal practice, and with a position of leadership in the town and county, Bidwell was ready to enter upon the field of State politics. His Fourth of July oration at Stockbridge in 1795 indicates that he was already attracting attention beyond the hills of Berkshire. On that day "an elegant and animated oration was delivered by Barnabas Bidwell to a large, respectable, and approving audience."⁴⁰ Such, indeed, was the impression made upon the audience that the committee of the day requested that the oration be printed by subscription, which was done.⁴¹ And it was only four

³⁹ *The Western Star* of October 2, 1792, contains an advertisement by the Postmaster General for bids for post riders' contracts from Bennington to Stockbridge.

In this connection it is interesting to note that Bidwell wrote President John Adams in 1800 requesting an explanation of the grounds for the dismissal of Timothy Pickering as Secretary of State, "not for his own satisfaction, but for the sake of counteracting injurious impressions." President Adams declined to state his reasons, saying, "If a President of the United States has not authority enough to change his own secretaries, he is no longer fit for his office." Adams closed with a sentence obviously intended as a thrust at Bidwell's own political leanings: "Let those who have renounced, all of a sudden, that system of neutrality for which they contended for ten years, justify themselves, if they can." Adams, *Works*, IX, 79.

⁴⁰ *The Western Star*, July 7, 1795.

⁴¹ *The Western Star*, July 21, 1795; the pamphlet was printed by Loring Andrews. An original is in Harvard College Library. In 1799 Dr. O. Partridge, Stockbridge, composed in doggerel, "A Looking Glass for the Court of Common Pleas, Berkshire County," in which he took occasion to refer to Bidwell in the following manner: "The long-winded Bidwell, & silver-tongued Daniel. * * * Parade round the Bar like a flock of wild birds, To fight for their Clients, the battle of words." Original in Massachusetts Historical Society, H. W. Taft Collection of Autographs, II, 44.

2. October, 1861.

Dear

My dear Father I see that the subject of Post Roads and Offices is brought forward in Congress. Whether Congress themselves establish roads, or leave it to the discretion of the Post Master General or any other Executive Officer, I cannot but hope a mail road will be established on the road from Springfield to Newark. This road passes through Stockbridge and is nearly central, and is as near accessible roads than any other through this County. We apprehend it is a great hardship not to have some public Post road through this County; and it is some measure out of doors the rest of that County. From this town as Post road to Worcester town would accommodate the Vermont people, as they are now by it get the Southern mail by one or two

or another roads by Ullery and the eastern a west roads. In time others may be having communication from this to Pittsfield and New Haven in. Should the Post Office be established as it is in this Town, and no place more suitable applies for it, I will then you that, if it would not be disagreeable, to mention my name to the Post Master General, provide it kept up - you will consider it confidential.

B. Bedwell
Hon. Mr. Sherman

years later that President Adams wrote Bidwell a letter which contained the phrase, "a gentleman of your information," indicating that Bidwell's reputation for learning and leadership had even reached the White House.⁴² In

⁴² *Supra*, note 39.

1797 the little college of Williams at Stockbridge conferred the honorary degree of master of arts upon "B. Bidwell, Esq. A. M. and lately Tutor at Yale College."⁴³ The three years of tutorship had at least brought him some prestige, if not a valued income. Before another decade had elapsed, his reputation had extended beyond the bounds of Massachusetts to such a degree that he was given, in 1805, the degree of L.L.D. by Brown University.⁴⁴ Thereafter, the *Repertory*, with a bovine sense of humor characteristic of most newspapers of the day, chose to refer to Bidwell always as "Dr. Bidwell." Bidwell's most important contribution during the years 1795-1800 was, of course, the publication of *The Susquehannah Title Stated & Examined*.

In 1801 Bidwell became a member of the Senate of the General Court of Massachusetts, and held his seat until his election to the national House of Representatives in 1805.⁴⁵ By his Republican views, his oratory, and his attacks on the Essex Junto, he attracted time and again the notice of the Boston and other newspapers.⁴⁶ One important contribution during these years was a protest of the Republican senators against a resolution of the senate to provide for the selection

⁴³ *The Western Star*, September 18, 1797.

⁴⁴ Dexter, *op. cit.*, IV, 389; Bidwell, *op. cit.*, 87.

⁴⁵ *Idem*.

⁴⁶ In the *Independent Chronicle*, Boston, August 20, 1810, appeared the following: "Mr. Bidwell and Mr. Skinner stood high in the estimation of the citizens in general. * * * They were even held in high repute by the federal party in Boston during the debate in the Legislature on the establishment of the 'Boston Bank'. All the *Essex Junto* attended on the floor of the Senate on this occasion, and Skinner and Bidwell were applauded by the Junto with every expression of eulogy and approbation. One high-blooded federalist said * * * that John Adams was an apostate, and that Skinner and Bidwell were the only men they could confide in."

of members of the electoral college by a general ticket rather than by the district method. The document is signed by fourteen senators, Republicans, and is apparently in the handwriting of Bidwell. Nine reasons were catalogued for their opposition to the measure, seven of which concerned the evils that might be attended with a departure from customary constitutional procedure, so that "the result of such a process * * * will in reality be nothing more than an appointment made for (the people) by a few individuals." The eighth and ninth reasons were doubtless the true *raison d'être* of the protest :

8. Because, in the present political state of things the object of a general Ticket must be to place all our electoral suffrages in the hands of one political party, to the entire exclusion of an opposing party nearly equal in numbers.
9. Because * * * it is avowed by some of its principal advocates in the legislature to be, a measure of State opposition to the present administration of the federal government, an administration possessing, and in our opinion, highly meriting the confidence , affection & support of a great and increasing majority of the nation.

The document, in short, is one of the first and most outspoken indictments of the electoral college that can be found. Had its sentiments prevailed in subsequent presidential elections, in all states in the Union, it would probably not have been possible for a minority of popular votes to elect a president, as has been done. Though four years later it is probable that party expediency would have prevented any one of the fourteen from signing such a document, and conversely the ever-diminishing Federalists would have welcomed such a measure, the sentiments that it contained are as true to-day as they were in 1804, and though the exigencies of politics drew it forth, there must be some commendation for the author or authors of it. Bidwell's hand in it is almost un-

mistakable. It has his precision and logical directness, as well as his love for constitutional theory and practice.⁴⁷

It was during this period also that Bidwell gave evidence of the fact that law, not politics, was his chief concern. Being possessed of a scholarly and investigative turn of mind, he desired to remedy the chaotic state of the law as practiced in Massachusetts in 1800 to the extent that it could be remedied by a compilation of reports of all cases argued and decided in the courts of the commonwealth. A letter from Thomas Dawes, Jr., dated at Boston, June 10, 1800, is the only evidence we have of this ambitious and useful plan which Bidwell had in mind. Being somewhat complimentary and from one of the prominent jurists of Massachusetts, it is worth while to quote it at length:⁴⁸

"I received your favor of the 22^d May and felt myself flattered by the application it contained . . . No one can doubt the benefit or necessity of such a work as you propose; and nobody who knows you, can doubt of the ability of the undertaker *if possessed of materials*. How you can at present possess them I don't know. The particular cases which have occurred in *your* presence and hearing, are the only ones reports of which you can be answerable for. And how few are these, compared with the whole number in the State. You cannot rely upon *other* gentlemen's accuracy in taking notes. They have been taken with different views. One gentleman in the district of Maine has notes which he sometimes produces and which are not always correct in *essentials*. This I know. * * * As to what any of the Judges have done, I can only say that I believe the Chief Justice & myself are the only two who have preserved minutes. * * * I sincerely hope that you will be considering and digesting some plan by which the custom of porting cases may be promoted. I will make enquiries and inform you whether you can have any aid from others, should you determine to collect reports. I

⁴⁷ A. D. S. Original in Massachusetts Historical Society.

⁴⁸ A. L. S. Original in Massachusetts Historical Society.

should be glad to serve you in any thing, having you in much estimation."

Whether Bidwell ever made any systematic effort to collect reports is not known, but it is not probable that he did on account of the increasing duties of his law practice and the mounting burden which political duties placed upon him. It was, however, characteristic of the man that his intellectual and scientific gifts of mind should have been impatient with a system of jurisprudence which smaller minds, less in love with the profession than with the opportunities which the existing order gave to them for their private emolument, would have been content with, and that he should have turned at once to a remedy.

During the time that Bidwell held a seat in the senate, he engaged in writing numbers of pamphlets for the furtherance of the Republican cause in Massachusetts. The Federalist *Repertory*, writing about an alleged Republican criminal, said: "Bidwell himself has not written more pamphlets against the Federal Administration and in favor of the present, than this knight of the pillory. Nichols has taken the same ground, advanced the same principles, and supported them with the very arguments used by Mr. Bidwell, Honestus, and Pasquin. * * * Nichols wrote a play, called 'The Essex Junto', for Nichols, as well as Bidwell, Honé, and Pasquin, is continually bawling about Essex Junto. He loves and approves Mr. Jefferson as much as he abhors the federalists. So do Bidwell, Bangs, Allen, and Dana, Honestus and Jo. Bartlett—'All honorable men.'"⁴⁹

The campaign documents written during 1804 by Bidwell in support of the candidacy of Governor James Sullivan are typical of these writings. In them Bidwell attacked Federalism in all its branches, and the administration of John Adams in particular. Adams' *Defence*⁵⁰ he branded as "an elaborate

⁴⁹ Quoted in *The Balance*, Hudson, New York, June 4, 1805.

⁵⁰ Adams, J. Q., *Defence of the Constitutions of Government of the United States of America*. London, 1797-1798.

panegyric on the principles of the English government." Attacking the Alien and Sedition Acts, the policy of naval expansion of the Federalists, the increasing of the number of circuit judgeships, the funding scheme of Hamilton, and the other outstanding policies of Federalism, he brought to bear a weapon that had unusual effect in beating down the Federalist majorities in Massachusetts.⁵¹ The readability of Bidwell's pamphlets, his incisive arguments, and his adept use of group psychology, as is evidenced by these tracts, were powerful factors in turning a Federalist majority of Massachusetts into a minority. In 1805 for the first time the Massachusetts delegation in Congress had a majority of Republicans, ten out of seventeen, and Jefferson was able to write to Bidwell that "the Hydra of Federalism has now lost all its heads but two."⁵²

Bidwell himself was one of the ten Republicans from Massachusetts in 1805. His activity in politics in Massachusetts in writing and speaking had brought him to a position of leadership in the Republican party in that State, and as one of the leaders of a strategic delegation, he took a prominent part in the activities of the ninth Congress. His powers of oratory and leadership were anticipated by the two leading parties to produce some effect as he entered the national arena. As Dexter says, "he went to Congress with a reputation for leadership and oratory from which great things were hoped by his party."⁵³ Bidwell remained in Congress only during two sessions, but in that time he came into contact with the most spectacular character in contemporary politics, and for several months the nation watched these two contrasting figures measure and oppose their resources. John Randolph of Roanoke, brought up among the aristocrats of Virginia, and having many of the traits of Southerners of

⁵¹ *An Address to the People of Massachusetts*, Boston, March, 1804; a second *Address* appeared the next year.

⁵² Jefferson, *Writings*, V, 14.

⁵³ Dexter, *op. cit.*, IV, 390; *The Repertory*, January 17, 1806.

the day, with eccentricities and accomplishments that none of them possessed, and Barnabas Bidwell, a sober, ascetic New England scholar with a turn for law and politics, and with a creative mind of some imaginative power, were indeed contrasting figures, but they formed the subject of many an editorial in the ensuing session of Congress, famous for its schism between Randolph and Jefferson, in which schism Bidwell played a conspicuous part.

John Quincy Adams, after listening to a powerful speech by Bidwell late in the session, wrote in his diary : "Mr. Bidwell followed * * * in a speech of about half an hour. It was a tolerably good speech, but indifferently delivered. He had depreciated as an orator since I heard him in the Senate of Massachusetts. His friends appear to be pleased with it, but as a popular speaker he can never stand as the rival of John Randolph."⁵⁴ Fresh in Adams' mind as he wrote this entry in his diary was the memory of the terrific onslaught which John Randolph had just made on March 5 on Gregg's non-importation resolution. And it is true that in his style of oratory, Randolph was without comparison : "His method of attack was always the same : to spring suddenly, violently, straight at the face of his opponent was his invariable rule ; and in this sort of rough-and-tumble he had no equal. In the white heat of passionate rhetoric he could gouge and kick, bite off an ear or a nose, or hit below the waist ; and he did it with astonishing quickness and persistence. No public man in America ever rivaled him in these respects ; it was his unapproached talent. With a frail figure, wretched

⁵⁴ Diary I, 419. The speech which Bidwell made was, if we may credit Bidwell's remark in opening it, delivered without special preparation ; moreover, it was concerned with questions of international law, with the rights of neutrals, and with the infringement of those rights by Great Britain. It was a discussion of the decision of Sir William Scott in the case of the *Essex* and the legality of that determination on the doctrine of the broken voyage, and was not, therefore, the type of speech that would lend itself to flights of eloquence. Ann. Cong., 9th. Cong., 1st. sess., 650-660. Moreover, John Quincy Adams was a Federalist.

health, and despondent temperament, he could stand on the floor of the House two or three hours at a time, day after day, and with violent gesticulation and piercing voice pour out a continuous stream of vituperation in well-chosen language and with sparkling illustration."⁵⁵ Bidwell's oratory was entirely of a different sort. Subjected by training and temperament to more self-discipline than Randolph, he could never let himself go in unrestrained outburst as did his rival. A scholar and a legalist by instinct, his speeches were never extemporaneous, unexpected outpourings of disconnected and irrelevant ideas. And above all, it should be emphasized that his speeches never reached the nadir of personal abuse and biting sarcasm that characterized almost all of Randolph's efforts; in fact, one will read Bidwell's speeches in vain for violent and unreasoned personalities. To be sure, he made direct replies to Randolph and others many times, but he did not answer abuse with abuse; his rebuttals were always cold logic. He made more than one eloquent plea on the floor of the House, including the one on the rights of neutrals and the abuses of these rights by England which Adams referred to. But not once did he lose control of himself. Rarely, if ever, did Randolph fail to do so.

The two men were so different in their modes of address that there is no common ground for comparison of their powers. That both were eloquent, and that both exerted a powerful influence in assemblies where they sat, each in his own way, cannot be denied. The vital point, however, is not the degree of eloquence which each possessed, or even the degree of influence which each exercised, but is the fact that their differences were of kind and not of degree. Gamaliel Bradford is not far wrong when he sums up Randolph's life as a "furious negative" both of men and measures; he opposed, during the time of his holding the national scene, "all

⁵⁵ Henry Adams, *John Randolph of Roanoke*, 172.

parties, all movements, and pretty much all men." Bidwell, by contrast, was not an oppositionist, but nearly always the advocate and the proponent. Such, for example, was the difference between the positions which each took at the opening of the ninth Congress on the Jeffersonian plan for settling the entangled Spanish affairs.

By the middle of November, 1805, Jefferson and his Cabinet were making definite plans for this settlement. Spain had kept conditions on the southern borders in turmoil; Jefferson knew, moreover, by more or less direct information, that France would not permit a peaceable settlement which did not include her in the negotiations. The Cabinet, therefore, on November 12, "agreed unanimously" to support Talleyrand's suggestion that, through French mediation, obtainable by American money, Spain should be solicited to relinquish her claim to West Florida and cease depredations in that area. The sum to be offered for the Floridas was not to exceed five million dollars.⁵⁶ The problem was to get the necessary appropriation through Congress. To do this, Jefferson hit upon the expedient of making his message to Congress a belligerent review of the hostile activities of Spain, and of sending a second message more peaceful in tone, under the injunction of secrecy, which was hoped to provoke Congress to make an appropriation for two millions for the purposes desired. On paper the plan looked well; contemplating the overwhelming Republican majority in Congress, Jefferson felt so certain of the success of it that he was, in fact, in favor of authorizing the American minister at Paris to pledge the government for the payment of the two millions even before Congress met. Had he done so, certain phases of American history probably would have turned out very differently from the way in which they did occur. But Jefferson, dancing to the piping of the French

⁵⁶ Adams, *op. cit.*, 163-164.

Emperor, had overlooked the half-mad genius from Roanoke. The withering eye and long accusing forefinger of John Randolph had to be encountered, and overwhelmed with votes, before the appropriation could be made. He could not be out-argued; he had to be out-voted. And he was chairman of the Committee of Ways and Means.

The most brilliant historian of the Jeffersonian period has said that "the 'two million' transaction was one of the least defensible acts of Mr. Jefferson's administration."⁵⁷ To Randolph it was a mean and cunning attempt to bribe one nation into robbing another; a clandestine effort to place the odium upon Congress and the credit upon the Executive by the method of an open and a secret message of different tenor; and a disgraceful attempt to accomplish by money what five months of fruitless negotiation through diplomatic channels had failed to achieve.⁵⁸ Because Bidwell fell in with Jefferson's plan, and became the spokesman for the Executive throughout in spite of Randolph's lashing scorn, he was not only castigated as the supporter of a cowardly plan, but received additional scorn because he acted as a mediating agency between the Executive and Congress. He was, as Randolph put it, "a back-stairs counsellor," and a "page of the Presidential water-closet."⁵⁹ To these the equally enraged *Repertory* added the epithet of a "horn-book politician."⁶⁰

Jefferson's secret message relating to Spanish affairs, with the documents accompanying it, was referred to a select committee of seven members, headed by Randolph and Nicholson of Maryland; Bidwell was one of the members of this,

⁵⁷ Adams, *op. cit.*, 182.

⁵⁸ Ann. Cong. 9th. Cong. 1st. sess., 1117-1118.

⁵⁹ *Idem*, 982-986; so bitter was Randolph's feeling that in 1817 he still referred to Bidwell, in a conversation with Timothy Pickering, as a "page of the back-stairs." *Pickering MSS*, Massachusetts Historical Society, 46:23.

⁶⁰ *The Repertory*, April 25, 1806.

as he was of other important committees in the session.⁶¹ The committee was appointed the same day Jefferson's secret message was received, December 6, and on the two following days several stormy sessions of the committee were held.⁶² Randolph professed to see nothing in the secret message calling for an appropriation, but going to the President in person, he learned what was desired. Frankly and in some dudgeon, he denounced the methods used by Jefferson and declared that he would not support an appropriation even had it been asked for in an open and above-board manner. Then, on December 14, in spite of the fact that the secret sessions concerning the Spanish relations constituted the most important business before Congress, Randolph calmly set off to Baltimore and remained there until December 21. On his return, the committee was convened at once, and Randolph met it, booted, spurred, and with riding-whip in hand, with the appearance of one who was ready for no trifling.

There were few members in Congress who were willing to face the scorn and vindictive verbal avalanches that came tumbling from the lips of this man when once he was aroused. His "*verba ardentia* of an honest mind," as he

⁶¹ Bidwell was a member of the committee on elections which decided that Cowles Mead of Georgia was not entitled to a seat in Congress; in the debates, Bidwell advocated the report of the committee at considerable length, basing his arguments upon constitutional principles. At the conclusion of the debate, he voted with the majority to declare the election of Mead void. Ann. Cong., 9th. Cong., 1st. sess., 255, 302, 304, 305, 307-312, 313.

In the light of this fact, it is interesting to note what Cowles Mead said of Bidwell on his way home to Georgia after this decision. Meeting with Edward Hooker on his way, he said to him that "Mr. B. Bidwell * * * is becoming conspicuous, and promises to be one of the most able men in the House. J. Randolph * * * is fast losing his influence." Jameson, J. F., ed., *The Diary of Edward Hooker*, Ann. Rept. Am. Hist. Assoc., 1896, I, 1883.

⁶² Adams, *op. cit.*, 168.

chose to call his turbulent assaults, did not abate at all because he happened to be in a select committee rather than in the House. Moreover, on this occasion, he had just had cause for additional irritation due to the fact that, on his way to the committee, Gallatin had put into his hands a paper headed "Provision for the purchase of Florida." Its effect on Randolph was electric. "Striding off to his committee, he put his opinions into something more than words. Except for Mr. Bidwell of Massachusetts, the committee was wholly under his control, and, instead of reporting the two-million appropriation proposed by Mr. Bidwell. * * * Randolph induced the committee to reject the motion, and then himself drafted a warlike report, which closed with a resolution to raise troops for the defence of the southwest frontiers 'from Spanish inroad and insult.'"⁶³ Whatever we may say of Jefferson's machinations on this occasion, or of Hildreth's typically Federalist characterization of Bidwell as "timid indeed, but cunning, supple, and sly,"⁶⁴ one is forced to commend the resolution with which he stood out alone against all the other members of the committee and especially against Randolph's bitter opposition.

As soon as the select committee made its report on January 3, 1806, the House went into a secret session of the Committee of the Whole, and promptly threw aside the resolution which Randolph and the other five members had made. Bidwell again contended for a two-million appropriation, and Randolph's fury grew with the knowledge that it was a matter of votes and not argument that he had to contend with. On January 11 the resolution of Randolph was voted down by a majority of 72 to 58, and on January 14 the House adopted Bidwell's resolution by a vote of 77 to 54. The

⁶³ Ann. Cong., 9th. Cong., 1st. sess., 1117-1118; Adams, *op. cit.*, 169.

⁶⁴ Hildreth, Richard, *History of the United States*, V, 569; see also, 566, 568, 571; VI, 26. 258, 261, 982, 986, 987.

Federalists and twenty-seven Republicans, thereafter referred to as "quids," voted with Randolph.⁶⁵

The net result of all this turbulence in the first session was practically nothing. Talleyrand had either made an unauthorized gesture, or else Napoleon, indifferent to what effect his machinations might have upon the internal politics of the United States, had made a sudden change of mind; and had determined to settle the Spanish problem by seizing Spain, colonies and all.⁶⁶ For Jefferson the result was a schism in the party, the departure of John Randolph forever from the Republican ranks, and the stigma upon Bidwell, Varnum,

⁶⁵ Ann. Cong., 9th. Cong., 1st. sess., 1120-1123; 1124-1128; *Statutes at Large*, II, 349; Henry Adams, *History of the United States*, gives a less partisan view of Bidwell's activities than does Hildreth: "Bidwell alone intended to support the administration. Bidwell did not venture to act as the mouthpiece of the President, but undertook his own authority to construe the message as a demand for money, and proposed a grant to that effect. The rest of the committee gravely followed Randolph in professing to find no such meaning in the Message. Bidwell's motion had no supporters and was promptly overruled," 133; see also McMaster, *History of the United States*, III, 212-213.

By contrast, there is the statement in the *Repertory* February 4, 1806: "As the decision against Mr. Randolph was effected by the power of hands and not of argument, he became violently incensed against his opponents * * * exposed their imbecility and perverseness in the most glowing colours. He urged them not to attempt debate, as they but rendered themselves ridiculous—to vote him down, and save their reputations. During this torrent of severity the alternate pale and yellow of Bidwell's countenance, whenever Randolph glanced his eyes upon him, were the subject of no small diversion."

⁶⁶ Channing, Edward, *The Jeffersonian System*, 153-154, in *The American Nation Series*, XII. Not even the injunction of secrecy on the members of Congress proved to be successful. On the day that Randolph's committee reported, January 3, the *Repertory* indicated that it knew fully what was going on behind doors, without doubt obtaining this information from Federalist members; Josiah Quincy, for instance, was on cordial relations with the *Repertory*: "Perhaps an appropriation may be made, of a few millions or so, for the purpose of a negotiation, and probably for the purchase of the Floridas * * * The good Dons are doubtless in want of money * * * The little politicians like Mr. B-d-l1 and some of the other small fry, think an appropriation would be a mighty pretty thing, a very civil way of avoiding difficulty, and they have probably had their cue from headquarters." *The Repertory* quoted this from a letter from Washington, dated December 23, two days after Randolph's return from Baltimore.

and five or six others as his back-stairs favorites. As a land-grabber, Jefferson's hey-day was over.

But there is another aspect to the *opera bouffé* that was being enacted that winter in the muddy little town of Washington. This was the fact that a principle of governmental science was involved. In this episode we see one of the first and most serious frictions resulting from the separation of powers principle. Bidwell was the victim of a form of government which made impossible any unison of action above-board, between the executive and the legislative departments.⁶⁷ Such back-stairs counselling as he indulged in was highly obnoxious to Randolph, who believed in the absolute independence and equality of the two departments and their total separation in action. Jefferson seems to have been one of the first to realize that the Executive, if he is to build constructively, must work with the legislature by means that are, to say the least, extra-legal, and not depend solely upon his two constitutional privileges, the message and the veto. "If," he said in a confidential letter to Bidwell, "the members are to know nothing but what is important enough to be put into a public message, and indifferent enough to be made known to all the world; if the Executive is to keep all other information to himself, and the House to plunge on in the dark, it becomes a government of chance and not of design."⁶⁸ And if Bidwell did meet with Randolph's abuse and scorn,⁶⁹ he met with Jefferson's good graces and entire confidence. The opinion that Jefferson formed of Bidwell's abilities as a leader in Congress was such as to cause him to minimize the loss of Randolph's support and to desire that Bidwell would assume the position of leadership openly and firmly. At the end of the session Jefferson wrote him a long

⁶⁷ H. C. Black, *The Relation of the Executive Power to Legislation*.

⁶⁸ Jefferson, *Writings*, V, 14-17.

⁶⁹ Randolph, indeed, opposed Bidwell many times during the session. *The Repertory* said derisively: "Baby Randolph opposes him in every step he takes, important and unimportant." January 17, 1806.

and confidential letter concerning relations with England, France, and Spain. It reveals Jefferson's opinion of Bidwell so well that it is worth quoting at length:⁷⁰

I read, with extreme regret, the expressions of an inclination on your part to retire from Congress. I will not say that this time, more than all others, calls for the service of every man; but I will say, there never was a time when the services of those who possess talents, integrity, firmness, and sound judgment, were more wanted in Congress. Some one of that description is particularly wanted to take the lead in the House of Representatives, to consider the business of the nation as his own business, to take it up as if he were singly charged with it, and carry it through. I do not mean that any gentleman, relinquishing his own judgment, should implicitly support all the measures of the administration; but that, where he does not disapprove of them, he should not suffer them to go off in sleep, but bring them to the attention of the House, and give them a fair chance * * * The classification of the militia was communicated to General Varnum and yourself merely as a proposition, which, if you approved, it was trusted you would support. * * * As soon as I found that it did not coincide with your sentiments, I could not wish you to support it; but using the same freedom of opinion, I procured it to be brought forward elsewhere. * * * When a gentleman, through zeal for the public service, undertakes to do the public business, we know that we shall hear the cant of backstairs' councillors. But we never heard this while the declaimer was himself a backstairs' man, as he calls it, but in the confidence and views of the administration, as may more properly and respectfully be said. * * * The last session of Congress was indeed an uneasy one for a time; but as soon as the members penetrated into the views of those who were taking a new course, they rallied in as solid a phalanx as I have ever seen act together. They want only a man of business, and in whom they can confide to conduct things in the House, and they are

⁷⁰ Jefferson, Writings, V, 14-17; the letter is dated at Washington, July 5, 1806; see also *Jefferson MSS.*, Library of Congress, V, 359.

as much disposed to support him as can be wished. It is only speaking the truth to say that all eyes look to you. Perhaps I am not entitled to speak with so much frankness; but it proceeds from no motive which has not a right to your forgiveness. Opportunities of candid explanation are so seldom afforded me, that I must not lose them when they occur. * * *

This letter, as well as Bidwell's actions in Congress on other matters, confirms Adams' statement that Bidwell was not a mere mouthpiece for Jefferson. An instance of his independent spirit may be cited in his resolution to vote General Eaton a medal for his heroic storming of Derne, a New England man who had openly made statements discreditable to the administration. Randolph opposed this motion. And here, as in other instances, Bidwell showed a willingness to make concessions and compromise in order to accomplish something;⁷¹ not even in the overwhelming defeat of his effort to prohibit the slave trade in this first session did he show a petulant spirit such as was characteristic of Randolph in defeat.

The instance of the resolution on the slave trade reveals Bidwell as a legislator of independent action. As a member of the Massachusetts senate in 1805 he had doubtless taken an active, if not a leading part in the passage of a resolution recommending to Congress a constitutional amendment prohibiting the slave trade.⁷² And personally, Bidwell was opposed to both the institution of slavery and the slave traffic, being a member of the Connecticut Society for the Promotion of Freedom as early as 1792.⁷³ During the fruitless debate in the first session over the proposed tax of ten dollars on the importation of slaves, Bidwell proposed to make the tax inoperative after December 31, 1807, since its continuance after that date might be used as an argument against

⁷¹ Channing, *op. cit.*, 45-46; McMaster, *op. cit.*, 204-208; Ann. Cong., Ninth Cong., 1st. sess., 274, 277, 279, 281, 305, 314, 321, 337, 799, 996, 1083.

⁷² McMaster, *op. cit.*, 518.

⁷³ Bidwell, *op. cit.*, 87.

the prohibition of the slave traffic.⁷⁴ He said in proposing this resolution that he would, if the first were adopted, propose a second resolution prohibiting the importation of slaves altogether. The first resolution was adopted, but, in spite of an eloquent, yet reasonable plea for the prohibition of a nefarious trade, Bidwell's second resolution was able to muster only seventeen votes. Parts of his argument are worth quoting:⁷⁵

Before I submit the motion, I beg leave to state some of the reasons which induce me to make it, and on which its propriety must depend. In doing this, it is not necessary to trace the history of the slave trade. It is equally unnecessary to consider it as respects the principles of justice and morality. It is sufficient to view it in the light of policy alone, and that only on a national scale. For * * * although I rejoice in this total abolition of slavery in Massachusetts, I would not, as an inhabitant or representative of that State, wish to interfere with the internal regulations of other States respecting the condition of their inhabitants; nor would I consider the question of prohibition, now before us, on any other than national grounds. No political truth, however, is plainer to my mind than that a further importation of slaves is contrary to the true interest of the United States. It will weaken us as a nation; it will render us vulnerable in

⁷⁴ The Constitution, of course, prohibited any regulation of the trade by Congress before 1808, except a tax of ten dollars that might be applied.

⁷⁵ Ann. Cong., Ninth Cong., 1st. sess., 435-439. It is interesting to observe Bidwell, now a through-going Republican, depending in part of his argument upon the Hamiltonian doctrine of implied powers: It was held by some, said Bidwell, that the Constitutional provision was "a mere negative provision, without any positive words of grant, and does not consequently give Congress a power to lay such a prohibition before that time (January 1, 1808); and all powers not delegated are reserved. I agree, Sir, that this clause grants Congress no authority on the subject *although it evidently implies* that such authority is granted in some other part of the Constitution; for it would be useless and nugatory to restrain until a certain time the exercise of a power which does not exist, and cannot therefore be exercised at all." Bidwell's logic was irrefragable, but it makes a strange mate with the Jeffersonian logic of 1791; but so, for that matter, did most of the important acts of Jefferson's administration.

many points; it will increase the danger of insurrections within, and invasions from abroad. * * * We ought not to rest satisfied with State prohibitions, even if every State had prohibitory laws. It is a great national interest, and ought to be guarded by an Act of the National Legislature.

Though the motion failed, and the whole matter was allowed to lie over until the next session, it was Bidwell the reformer and the liberal rather than Bidwell the politician who was speaking. Whether in reforming the chaotic condition of the legal practice of his native State, in attempting to prohibit the slave trade in Congress, or in attacking religious bigotry and the primogeniture system in Canada, Bidwell always went to the source of the problem and advocated a change, not by violent assault, but in reasoned and moderate tones of persuasion, if we may judge from his written speeches. To accomplish his purpose, he was willing to concede and to compromise, even with the Federalists.

The second session of the ninth Congress was one that contrasted strongly with the "uneasy" session of 1805-1806. Most factions seemed ready to make truces, and even Randolph was in a calmer mood. There still rankled some of the old bitterness, however, and before the session was over, Judge Nicholson wrote to James Monroe:⁷⁶

You must have perceived from the public prints that the most active members in the House of Representatives are new men, and I fear that foreign nations will not estimate American talent very highly if our congressional proceedings are taken as the rule. If you knew the Sloans, the Alstons, and the Bidwells of the day, and there are a great many of them, you would be mortified at seeing the affairs of the nation in such miserable hands. Yet these are styled exclusively the President's friends.

The most important matter before this session was, apparently, the bill for the prohibition of the importation of slaves, which Bidwell had failed to obtain in the last session.

⁷⁶ Adams, Henry, *John Randolph of Roanoke*, 217-218.

Though one representative had replied to Bidwell in that session that it was not at all certain that Congress would utilize its power even when the year 1808 arrived, there seemed to be a marked unanimity of opinion in the second session that a prohibitory bill should be enacted. The differences of opinion that arose were due to the question of the means to be used rather than the question of the policy of prohibiting the traffic. The two points debated most, and on which Bidwell took a firm and decided stand, were the punishment to be affixed for violation of the Act, and the disposal of such negroes as might be illegally brought into the country.

Bidwell fought strenuously to keep out of the bill a clause which would forfeit such slaves as were smuggled in and cause them to be sold by the federal government. Such a clause, he argued, would be an incentive for rather than a prohibition of the trade, and would implicate the government in the institution, besides causing it to derive revenue from such a source. Concerning the slaves that might be smuggled in, he said: "I am * * * willing to agree to any practicable mode of disposing of them. But at any rate, I am for striking out the forfeiture, and opposed to disgracing our statute book with a recognition of the principle of slavery."⁷⁷ Bidwell's position was simply an elaboration of the stand he had taken in the first session: he did not desire to interfere with the internal affairs of the several States where slavery existed, and he was content for smuggled slaves to be disposed of in accordance with the laws of the States where they happened to be. Josiah Quincy, Federalist leader from Boston, among others, opposed Bidwell in his contention, arguing that omission of the forfeiture clause would defeat the purpose of the bill. But when the bill reached its final stages, it carried essentially the provision desired by Bidwell. Williams of South Carolina, in a speech which for personal

⁷⁷ Ann. Cong., Ninth Cong., 1st. sess., 220-221.

abuse and vindictive assault equalled some of the speeches made by Randolph against Bidwell in the first session, charged Bidwell with being the author of a provision which would culminate in the destruction and massacre of all the whites in the southern States.⁷⁸ Nevertheless, as the original sponsor of the prohibitory clause in the first session, and as a firm defender and molder of the bill as it was finally evolved, Bidwell played a part in the early anti-slavery movement that should not be overlooked.

Apparently, however, Bidwell had been induced to return to Congress largely because of Jefferson's urgent letter in July, 1806, for although he took an active part in the second session, for some reason he did not take the lead as Jefferson had urged him to do. On February 28, 1807, Jefferson wrote to W. C. Nicholas, urging him to accept the leadership: "There is no one whose talents and standing taken together have weight enough to give him the lead. The consequence is, that there is no one who will undertake to do the public business, and it remains undone."⁷⁹ The color of mystery surrounding Bidwell's movements in 1807 may partially be explained by the fact that he had already determined to give up his place in Congress. That move itself, however, is so shrouded in mystery that one can only hazard a guess as to why he turned from the arena of national politics, where he had been anything but a failure, and accepted the appointment as Attorney General of Massachusetts. At any rate, in June, 1807, he was appointed to that office by Governor Sullivan, whom he had assisted greatly in his election to the office of governor. This change was not altogether satisfactory to Jefferson, for though Bidwell might not always take the lead, he was certainly a dependable party man. On July 11, 1807, he wrote Bidwell as follows: "Although wishing your happiness always, I cannot be altogether displeased

⁷⁸ *Idem*, 171-17), 181-182, 200-202, 228, 231, 244, 254, 264-267, 270, 273, 373, 427, 477.

⁷⁹ Hildreth, *op. cit.*, V, 652.

with a transfer of your services to a department more pleasing to yourself, yet I cannot but lament your loss in Congress. You know that talents cannot be more useful anywhere than there; and the times seem to portend that we may have occasion for all that we possess * * * I salute you with great affection."⁸⁰ This letter indicates a possible reason for Bidwell's change: the fact that his new position was more pleasing to himself. Perhaps also he had an ambition to sit on the same bench with John Marshall and nullify some of that eminent jurist's Federalist doctrines, and felt that as Attorney General of Massachusetts he should have a better opportunity for appointment than as a Congressman.

Upon his appointment as Attorney General, *The Repertory* in its usual sarcastic strain announced that

The Hon. Barnabas Bidwell, L. L. D., &c., &c., &c., is appointed Attorney General of the Commonwealth of Massachusetts. From the profound respect we entertain for the eminent talents and integrity of this gentleman, with both of which we have had some opportunity of being acquainted—from a sincere hope that he may acquitted himself in the office to which he now succeeds, with the correctness and unsullied reputation of his distinguished predecessor, for which we think he bids fair,⁸¹—we beg leave to recommend to his perusal and to his frequent animadversion, the following Note, in the Biography of Lord Bacon. * * * It contains a warning which, we presume, will be sufficient to keep the pure mind of Mr. Bidwell on the constant watch.

'The Offices of Attorney General and Solicitor General have been the rocks, upon which many aspiring lawyers have made shipwreck of their virtue and human nature. Some of these gentlemen have acted at the bar, as if they thought themselves by the duty

⁸⁰ Jefferson, *Writings*, V, 125-126.

⁸¹ There had been frequent charges against the honesty of the predecessor of Bidwell. *The Repertory*, March 24, 1806; July 26, 1806.

of their places absolved from all the obligations of truth, honour, and decency.⁸²

Though *The Repertory* in 1810 assumed an attitude of complacency because it had thus early pointed out the dangers of Bidwell's appointment, there can hardly be any doubt but that, in the office of Attorney General, Bidwell was both honest and capable. Certainly if he had made any missteps in Boston, the ever-watchful *Repertory* would have revealed them at once without mercy. The absence of any such indictments from 1807 to 1810 is good evidence that Bidwell's defection was of the past. Moreover, the very able report which he drafted for the legislature in 1808 on the subject of the claims for confiscated debts,⁸³ prepared with only five days notice, is evidence that Bidwell was not unworthy of the office that was conferred upon him. It was during this incumbency that his wife died, which undoubtedly affected Bidwell's life greatly. In fact, Bidwell seemed just on the threshold of the seat on the Supreme Court which he so greatly desired when an indiscretion of his younger days, if it was no worse than that, overtook him and forever deprived him of all office in the United States. Disgrace followed sadness into Bidwell's home; nor was it the last time that the ghost of the past robbed him of a desired office and a promising name.

It is not a pleasant duty to set down the facts of the next few months of Bidwell's life; it is best that the sordid generalities be acknowledged and the unpleasant details be omitted. Yet there are some extenuating facts which should be borne in mind. First of all, the use of the public funds that Bidwell was charged with occurred in the first years in which he held the office of county treasurer, the meagre years of a small law practice, and there is reason to believe that he not only did not abuse his office in later years, but was

⁸² *Idem*, June 19, 1807.

⁸³ *The Attorney General's Report Respecting Claims for Confiscated Debts*, Boston, 1808.

even making an effort to restore what had been used when he was detected.⁸⁴ Moreover, his detection, exposure, and the inflaming of public opinion against him were without doubt due to party malice, and were all out of proportion to the true state of affairs. Had unsympathetic political opponents not secured damaging evidence against him, his deplorable flight to Canada probably would not have occurred, and he probably would have returned such money as he used. He did repay the full amount during his stay in Canada.⁸⁵

While it cannot be doubted that political animosity made Bidwell's character a much more sable hue than it actually was, his flight in the face of threatened prosecution, and the undeniable crime of falsification of his records, make it impossible for an impartial judge to deny the justness of the charge. At the Supreme Judicial Court of Massachusetts, held at Lenox in September, 1810, the grand jury found two true bills against Bidwell, one for forgery and another for embezzlement.⁸⁶ The judgment obtained in 1811 indicates that the defalcation was neither so small as the com-

⁸⁴ *The Independent Chronicle* for August 20, 1810, contained the following account of the report of the committee appointed to investigate the matter: "It appears from the statement of the committee appointed to examine the accounts of Mr. Bidwell, that his defalcation is very inconsiderable; they state themselves that 'the amount of the sum is not great'—and it is a happy circumstance that *the public will lose nothing*, as Mr. Bidwell has left sufficient real estate to pay the deficiency a dozen times." The committee reported, among other things: "From the conjectured state of Mr. Bidwell's accounts, and some other circumstances, no county tax was imposed upon Berkshire, as usual, during the last winter session of the legislature. It is therefore a fortunate circumstance for the county that Mr. Bidwell, by paying (without any funds except some arrearages of the last year's tax) all the current expenses and many outstanding debts of the county, has nearly remunerated the public for the sums formerly detained by him."

⁸⁵ Riddell, W. S., "The Bidwell Elections," Ontario Historical Society, *Papers and Records*, XXI, 2. The judgment obtained against Bidwell in 1811 in a civil action was for \$5,646.64 and \$121.06 costs. Riddell refers to Bidwell as "a man of great parts and sound education."

⁸⁶ Riddell, *op. cit.*, XXI, 5.

mittee of investigation suspected, nor such a "petty defalcation" as Henry Adams generously stated.⁸⁷

One unfortunate aspect of the episode was the fact that Bidwell, among others, was being mentioned prominently as a worthy candidate for the seat of Justice William Cushing of the United States Supreme Court whenever that aged and senile justice should die and vacate it. "With these characters of infamy branded on his front," said the *Repertory*, "it is well known, that among the Democrats of Massachusetts, his appointment to the bench in the seat of Judge Cushing, was an object of the warmest anticipation; and this, we are informed, was eventually to be succeeded by nominating him as Governor of the State."⁸⁸ Since the death of Cushing would leave the Court evenly divided as between Federalists and Republicans, it was a question of the utmost importance to the Republicans to see that one of their political faith was nominated. Jefferson wrote numerous letters to Madison on the subject, and had Cushing died earlier than he did (September 13), Bidwell probably would have been appointed. For by the time the seat was vacant, Bidwell had absconded, and Jefferson had written to Gallatin: "The misfortune of Bidwell removes an able man from the competition."⁸⁹ One is tempted to speculate upon what trend the constitutional history of the United States might have taken had Madison been able to appoint Bidwell, a thorough-going Republican, instead of the thirty-two year old, comparatively unknown Joseph Story who resigned in the era when States' rights seized the Court because he thought the principles of Marshall had been abandoned.

The Federalist newspapers made light of Bidwell's candi-

⁸⁷ Adams, Henry, *History of the United States*, VI, 26.

⁸⁸ August 28, 1810.

⁸⁹ Warren, Charles, *The Supreme Court in United States History*, I, 404, note 2; see also, 405-416. Caesar Rodney wrote to Madison on September 27, 1810: "I fear Bidwell has injured himself too much to be thought of." See also, Madison, *Writings*, II, 484-485, *passim*; Dexter, *op. cit.*, IV, 389.

dacy after his flight. *The Connecticut Courant* referred to him as the “*ci-devant* Member of Congress, and *soi-disant* Judge of the Supreme Court of the United States.” Then, having deliberated a week, the *Courant* brought forth this pun at Bidwell’s expense: “It is well known that Mr. Attorney General Bidwell, was expected to have been shortly promoted to the bench of the Supreme Court of the United States. When the account of his absconding was received, a gentleman observed that the Judge had set out on his Circuit.”⁹⁰

It was not the only jest made about Bidwell’s disgrace by hostile newspapers,⁹¹ but the real comic relief of the episode was not furnished by such thoughtless attempts at humor. The attitude taken by the two major parties furnished enough of that. The Federalists charged that Bidwell’s defection was simply one evidence of a general and thorough permeation of the Republican system by corruption and widespread dishonesty, although they generously admitted that “We do not mean to make an inference that there is no such thing as an honest Democrat.”⁹² The Republicans, being a party greatly in the majority, could afford to be still more generous: “We believe,” said the *Independent Chronicle*, “that there are many honest Federalists.” Nor were the Republicans slow or lacking in ingenuity in evading the disgrace brought upon the party by the action of Bidwell. “Federalism,” continued the *Independent Chronicle*, is an improvement upon *charity*; for *Federalism* covers all sins. Let a man but profess Federal principles, and whether he is a per-

⁹⁰ September 19 and 26, 1810.

⁹¹ *The Gleaner*, (Wilkes-Barre, Pennsylvania), September 20, 1811.

⁹² *The Repertory*, August 10, 17, 28, and September 4, 1810: “One would suppose that we had * * * now at last got to the bottom of the ladder of Democracy, and could but rise. * * * People of Massachusetts! Your interests are the sport of successive swindlers.—Your honour among your sister States lost by the crimes of those who are raised to your highest dignities. A Treasurer and an Attorney General registered among thieves and robbers!” In 1809 it had been Bidwell’s duty as Attorney General to prosecute Treasurer Skinner for a heavy embezzlement of funds.

jurer, a public defaulter, a swindler, or whether in State-Street, he has wantonly slain a fellow townsman, it is all forgotten, and he is well received among Federalists as before. But if a Republican possesses ninety-nine virtues, and fails in the hundredth, he is not only hunted down by the Feds but by the Republicans also. * * * The discovery of the delinquency of Mr. Bidwell, is another evidence of the superiority of the Republican form of government over that of any other on the face of the earth. Here, if a public officer makes a false step, he is instantly detected, divested of his office, and his bondsmen are obliged to make up the deficiency."⁹³ This flattering unction, it is needless to say, was really deserved by the Federalists.

Thus, at the age of forty-seven, and at the height of his power and prominence, Bidwell was obliged to set out upon a trying journey to Canada. With him went his daughter of fourteen and his son of eleven; his wife had been spared the humiliation of this trip. His hope of returning to the United States in spite of what he believed was political persecution did not die for several years; but for him service and a career in the United States was at an end. In the war between Great Britain and the United States which promptly followed, Bidwell took the oath of allegiance to the crown, but it was an act which was forced upon him. Ten years later he declared that he had been born under the British flag, had always been a British subject, and had never been anything else.

⁹³ *The Independent Chronicle*, August 20, 1810. Bidwell undoubtedly had many loyal friends who deplored his misfortune, but did not castigate him as many political friends did. Such is evidenced by the following comment of the *Pittsfield Sun*: "We will only add, that Mr. Bidwell had sustained this office for about eighteen years, and that no imputations against his integrity in that office have ever to our knowledge, been whispered against him. * * * We readily leave to others (if such there are) to indulge in those reflections, which sentiments of past friendship and esteem towards an unhappy and unfortunate character, and of present unfeigned commiseration and affection for an amiable and unprotected family, render it almost impossible for the writer of this article to cherish in his heart, much less to escape from his pen." Quoted in the *Independent Chronicle*, August 20, 1810.

III.

Settling in the little town of Bath, in Ontario, Bidwell possessed not much more than a past, a past designed to harm him more than to help him. Without friends, influence, perhaps without money, with sadness of his wife's death and the disappointment of high ambition, and being at an age when, in most men, his handicaps would have been considered insuperable, he set out to build again. But he had advantages: he was a man of sound education, he was somewhat experienced in public life, and he had a profession that he loved. His accomplishments in the decade after his flight to Canada are a tribute to his industry and ability. Strangely enough, his son's life offers a striking parallel; as one implicated in the Rebellion by McKenzie in 1837, Marshall Spring Bidwell was forced to abandon a promising career in Canada and to become an exile in New York, with nothing to aid him but the profound training in the law which his father was largely responsible for. The words that were applied to him after a long and valuable service in the United States, might easily be applied to his father: "Mr. Bidwell accomplished successfully a change in which most men would have failed. * * * Very rarely, before, had such a removal proved successful. The difficulties to be encountered under such circumstances have generally been deemed insurmountable. It is like transplanting the full grown oak, and tearing from their native soil its wide-spread roots."⁹⁴

Bidwell first turned to his old profession of teaching; his intellectual attainments were at once recognized and respected by his adopted countrymen. Probably the most useful bit of tutoring that he ever did, however, was in teaching his son both in legal and other studies; so thoroughly was it done, and such was the ability of the son in utilizing the teaching, that a colleague later said of him: "a more learned lawyer never practiced in our Courts."⁹⁵ Judge Neilson,

⁹⁴ M. S. Bidwell, *In Memoriam*, New York, 1872, 55-56.

⁹⁵ *Idem*, 17.

who knew both Barnabas Bidwell and his son, gave many years afterwards a striking picture of the relations between father and son in these early years in Canada :

It is known that the elder Mr. Bidwell gave some attention to office consultations and the son's preparatory and legal studies had received his immediate and constant aid and supervision during all those years ; and what a tutor he must have been ! * * * Young Bidwell, as he was then called, directly after his admission to the Bar, went in and tried causes with signal ability and acceptance. * * * Then, as in years afterwards, I saw his father, who was never admitted to practice there (being an alien) sit at a table below the seats allotted to the barristers, and when his son was engaged, hand up memoranda and books. As that was the common course, and as the books were always handed up at the right time to meet or to support an objection, or for citation on the argument, the received notion was that the causes which the son tried so well, and with such affluence of learning, had been previously argued in the seclusion of the law office.

Speaking more directly of Barnabas Bidwell, and of his attainments, Judge Neilson added :⁹⁶

Barnabas Bidwell * * * was a profound jurist, a man of great culture and attainments, outside of the law as well as in it. He was distinguished for his courtly and agreeable manners, his great conversational powers, his mental and personal activity. * * * He was regarded as a radical in politics. He had, in the press and otherwise, taught what he considered the rights of the people, under the democratic element supposed to reside in the Constitution, and had criticized the policy of government. He was an affirmative, an aggressive man ; a great controversialist.⁹⁷

⁹⁶ *Idem*, 34-36.

⁹⁷ Much of this controversy took place in the papers. In 1854 W. B. Kelley wrote to Dr. Rolph about one A. B. Hawke: "He wrote some articles against our dear old friend Barnabas Bidwell in the newspapers * * * which gained him some notoriety with the Tories. * * * He was one of the most unprincipled and rabid men." *Dr. Rolph MSS.*, Dominion Archives, Ottawa.

All of the writing that Bidwell did will probably never come to light, for most of it was done anonymously. He is credited with having written eleven of the Sketches of Upper Canada in Robert Gourlay's *Statistical Account of Upper Canada*, which are said to have formed its most valuable portions.⁹⁸ As indicated by the words of Judge Neilson, much of Bidwell's writing was similar to that done in the United States, being of a political character.

Being one who "taught what he considered the rights of the people," it was quite natural that Bidwell should have entered politics again. For the famous "Family Compact" which he found to be the ruling authority in Canada in the shape of an aristocratic class too closely resembled some phases of Federalism not to challenge his attention and opposition. Perhaps also, being an astute political observer, he saw the political winds shifting and felt that the people were beginning to experience the chafings of an incipient rebellion.

Consequently, in 1821 he stood for the House of Assembly of Lenox and Addington. In an election lasting from November 5 to November 16, he received a majority of 49 votes over the Tory candidate, and was returned as the "Knight girt with a sword," to represent the two counties. The defeated party determined to prevent Bidwell's being seated, in spite of his clear election. A petition was drawn up and signed by one hundred and twenty-five inhabitants, and presented to the House by the Attorney General.⁹⁹

This petition stated that, while Bidwell was able to meet the residence and property requirements for office, he was not a suitable person to hold a seat in the House on account of well-known and attested facts about his career in the United States. The petition also stated that he was a citizen of the United States, having taken the oath of allegiance to

⁹⁸ Bidwell, *op. cit.*, 87.

⁹⁹ Riddell, "The Bidwell Elections," *op. cit.*, 2.

that country, and that he had held several offices there. The petitioners therefore humbly prayed the "respected and Honourable House," to declare the election "null and void and thus preserve pure and unsullied the dignity of Your Honourable House."¹⁰⁰ Bidwell denied all charges of wrong-doing, asserted that his oath of allegiance bound him only when in the United States, and declared that he was a British subject duly qualified to hold office.¹⁰¹

The dispute over the seating of Bidwell was an important one, for it involved the right of thousands of Americans who had migrated to Canada after the Revolution to hold land, to vote, and to hold office. The determination of the nationality of Bidwell, therefore, involved the interests of many American-Canadians as well as the interests of Canada. On November 29, the House decided to try the cause a month later. In the intervening time, Bidwell and his associates organized an opposition to the Tory element bent upon ousting him from the House, paid up the amount owed by him as treasurer of the Berkshire County and petitioned the House again, stating that the facts of his past life had been fully explained to the electors before the election, who had had an opportunity for eleven years "of observing him personally and knowing his manner of life, his habits and pursuits, his conduct and conversation, his moral and political principles and practice, in all which respects they have found him not only unexceptionable but exemplary and highly meritorious."¹⁰² In the trial on December 29, 1821, the Tories presented the indictments, the warrants, and the judgment against Bidwell in Massachusetts. Bidwell responded by producing his receipts for the full amount that had been paid.

¹⁰⁰ *Idem*, 2; 11 Ontario Archives Report, (1914), 79.

¹⁰¹ *Idem*, 2; see also, Doe *dem* Thomas v. Acklam, (1824), 2 Barnwell & Creswell's Reports, 779.

¹⁰² Riddell, *op. cit.*, 4; 11 Ontario Archives Report, (1914), 115-116.

The House decided, however, that it could not go into occurrences involving Bidwell's private character in the United States. After a heated debate lasting from December 29 to January 3, the House took two ballots, each of which was divided strictly on party lines by a vote of 17 to 16 to unseat Bidwell on account of the fact that he was an alien. To make assurance doubly sure, a statute was passed which effectually disqualified Bidwell for running for office again.¹⁰³

During the short interval that Bidwell was allowed to sit in the House, he revealed his liberal leanings by introducing a bill for the relief of religious societies and one for the appointment of guardians, both of which failed to pass. He made an attempted attack upon the system of primogeniture, but was not permitted to bring in his bill. During the time that his son was a member of the same House, he also again and again introduced a bill of a similar nature. The reform, however, was not accomplished during his membership in the House. Both of them seemed to be destined, in almost every case, to be the precursors of reform, the pathbreakers that seem inevitably to precede most changes.

The Tories, however, were not through with the Bidwells. Marshall Spring Bidwell had not taken an oath of allegiance to the United States nor had he held office there. When his father was thus made a victim of party malice the last time that he sought office, young Bidwell determined to offer himself as a candidate to fill the vacancy created by his father's ejection. In this he was successful, though not without the necessity of appealing to the House over the head of the returning officer.¹⁰⁴

¹⁰³ *Idem*, 4. The law "proved so injurious to Canadian interests, that it was repealed in 1824, and a previous residence of seven years was substituted as a qualification for membership." De Lancey, E. F., *Marshall S. Bidwell, a Memoir, Historical and Biographical*, New York Genealogical and Biographical Register, January, 1890.

¹⁰⁴ *Idem*, 6; 11 Ontario Archives Report, (1914), 215-217, 222-224, 274, 306, 315; Appleton's Encyclopedia of American Biography, I, 258; New International Encyclopedia, 2nd. ed., III, 269.

Though he was excluded from office, Barnabas Bidwell no doubt exercised much influence in the politics of his district until his death in July, 1833. That he continued to hold the respect and admiration of the people in Ontario is testified by the obituary notice which appeared in McKenzie's Almanac for 1834 and which a careful and impartial scholar endorsed as a fully deserved encomium: "He was a sincere friend of the rights of the people; possessed of extraordinary powers of mind and memory, and spent many years of his life in doing all the good he could to his fellow creatures."¹⁰⁵

¹⁰⁵ Riddell, *op. cit.*, 7-8. Bidwell is said to have made a profession of religion in 1825. Dexter, IV, 389. While living in Kingston, U. C., the two Bidwells, in connection with others, built a Presbyterian Church there and supported a preacher for several years, bringing out missionaries from the United States and Scotland. Judge Neilson, *In Memoriam*, 39-40.

NOTE: Several letters examined after the above was in proof give added information concerning Bidwell's authorship of the pamphlet and his relations with the leaders of the Susquehannah Company. "Bidwell's pamphlet," wrote Clement Paine to E. Pitkin, "is universally esteemed both by friends and enemies, to be an able and well written performance. Would it not be proper in the next edition * * * to have a prefatory dedication inscribed to President, or to illustrious civilian and statesman, John Adams? * * * This would in the eyes of many give the work, and consequently our cause, a respectable appearance. And perhaps such circumstances tend in some measure to render a work popular or fashionable."¹ In the same letter, Clement Paine quoted Colonel Pepoon, writing from Philadelphia, as follows: "Bidwell's statement of the Comt title has had very good effects. There is a committee appointed on that part of the Govr's speech relating to the Wyoming business. This committee are furnished with these statements. One of the committee told me that it had always been a general idea, that the decision at Trenton, determined the right of soil, as well as that of jurisdiction; that he was convinced that the right of soil was yet undetermined; and that for his part, he could not see but that the right of soil did, of right and in fact, belong to the Comt claimants. * * * The legislature of Penna (or rather the committee) are for submitting to Congress the whole controversy to be by them determined. If this should be the case, every member of Congress should be furnished with a statement of the title, and indeed all the well-informed Citizens of the United States. There is now in my *religious* opinion, the best prospect there ever has been; and it wants nothing but firmness and resolution to win the day." In another letter, Clement Paine wrote that "The pamphlet containing a statement of the Connecticut title, &c. has had good effects. And it is asserted as a fact that a certain gentle-

¹ Athens, Pa., February 7, 179[7]. This and the following two items are in the Tioga Point Museum, Athens, Pa.

man of respectability and influence (who is a magistrate in the southern part of this State) declared in Philadelphia his determination to buy under Connecticut title and to hold on with us; being fully convinced of the soundness and equity of the Connecticut Susquehannah Company's title to those lands. It is of great consequence that another edition of those pamphlets should be published, and circulated as universally as possible."² Clement Paine was indefatigable in circulating the Bidwell pamphlet as propaganda: "I send this by Col. Franklin," he wrote to Seth Paine, "who is going to Philadelphia to attend the legislature; and who is to send you a number of the pamphlets respecting the title of our lands. I wish yourself to give that performance an attentive perusal; and request that you will advertise them in your paper, with a sentence or two of favorable comment; at least as favorable as that annexed to the advertisement of Judge Patterson's charge to the jury on a late trial respecting these lands, which was published in your paper. If they should not sell, wish you to present them to any respectable characters who would give them an attentive perusal. It is a complete history and investigation of the subject; and well worth the attention of any person who is interested, or who has the curiosity to be fully informed."³ Just what effect this prodigious circulation of the pamphlet had upon later developments is clothed in uncertainty; there may have been some effect upon the Pennsylvania legislators; and the pamphlet may have been to a small degree responsible for the Compromise Act of 1799 which began the process of final settlement of the dispute.

Bidwell's activity in behalf of the Susquehannah Company was not confined to the writing of a piece of propaganda, however.

He was one of the counsel for the defense in the case of *Commonwealth vs. John Franklin and John Jenkins, et al.*, under the Intrusion Act of 1795, at the Quarter Sessions held at Wilkes-Barre in August, 1801. Reporting on this case to the Committee of Pennsylvania Landholders, Samuel Hodgdon and James Strawbridge wrote November 26, 1801: "On the part of those indicted under the Intrusion Law * * * nine attorneys appeared, among them B. Bidwell from Massachusetts, celebrated for having written an *unanswerable* pamphlet in favour of Connecticut (as the Connecticut claimants affect to state it)."⁴ The case was removed to the Circuit Court in May, 1802, and in 1804 was decided in the United States Supreme Court. The law was held to be constitutional.⁵

NOTE: Copies of *The Susquehanna Title Stated & Examined* may be found in the following places: American Antiquarian Society; Boston Athenaeum; Connecticut Historical Society; Connecticut State Library; Harvard College Library; Library of Congress; Long Island Historical Society; New York Historical Society; New York Public Library; New York State Library; Pennsylvania State Library; Yale University Library; and Wyoming Historical and Geological Society. There is also a copy in the collection of Dr. Rosenbach of Philadelphia.

² To B. Brockway, Athens, Pa., February 4, 1797.

³ Athens, Pa., November 5, 1796.

⁴ Original in Historical Society of Pennsylvania, *Connecticut Claims*, I, 96.

⁵ *4 Dallas*, 255, 316. For the outline of Bidwell's argument on the Intrusion Act, see *infra*, 128-130.

THE
No P 14
USQUEHANNAH TITLE

STATED AND EXAMINED,

IN A SERIES OF

S U M B E R S,

FIRST PUBLISHED IN THE

WESTERN STAR,

AND NOW RE-PUBLISHED, IN THIS FORM, FOR THE
BENEFIT OF THE PUBLIC IN GENERAL, AND
ALL PERSONS CONCERNED IN
PARTICULAR.

PRINTED IN CATSKILL, BY MACKAY CROSWELL,

1796.

THE
SUSQUEHANNAH TITLE

STATED AND EXAMINED.

NUMBER I.¹

MR. PRINTER,

I BEG leave, through the medium of your paper, to solicit the attention of the public, to an impartial statement and examination of the Sufquehannah Company's right to the lands claimed by them, within the limits of the Charter of Pennsylvania, by virtue of a title acquired under the late Colony, now State of Connecticut.

The magnitude of the question, confidered in relation to the quantity of property depending on it, and the number and merit of the citizens interested in its event, will it is hoped, be a sufficient apology in favor of the writer, for thus attempting to affist his fellow-citizens in forming a right judgment, on a subject much talked of by speculators, and but little understood by people in general.

The Sufquehannah Company claim a tract of land, bounded on the north by the forty-third degree of latitude, on the south by the forty-first degree of latitude, on the east by a line ten miles east of the Sufquehannah river, thence extending west one hundred and twenty miles. Allowing the width of the forty-second degree of latitude to be sixty-nine miles

¹ The first number appeared in *The Western Star*, printed by Loring Andrews, Stockbridge, Massachusetts, May 31, 1796.

The following comment on *The Western Star* appeared in the Boston *Repertory*, an ably-edited federalist newspaper: "A Democratic paper, printed so far to the westward in this State, as to be denominated 'The Western Star', . . . is however a star of no great magnitude; it twinkles a little with a borrowed light, and reflects only the noxious rays of the Aurora." Quoted in the *Luzerne* (Pennsylvania) *Federalist*, August 29, 1806.

and a half, the claim covers 8340 square miles, or 5,337,600 acres. The value of this land, compared with the current price of other lands now offered for sale and settlement, in regard to the qualities of soil and climate, the facility of communication with markets by land and water, and its situation relative to the center of the United States, cannot be less than two dollars by the acre, upon an average, besides the improvements and buildings.—Some good judges estimate it much higher. According to this calculation, the sum in dispute is more than Ten Millions of Dollars, at present, and is every day increasing, by the increase of population and the extension of settlements.

If, in addition to this, we consider, that the lands claimed by the Connecticut Delaware Companies, lying east of the Susquehannah Purchase, and also the land lying west of it, even including the 120 miles of Connecticut Western Reserve, so called, lately sold by that State, all rest substantially upon the same original title, as will appear in the sequel; in this view of the subject, it rises in importance, and embraces a quantum of property, beyond any other question, which has ever been litigated in this country. Our enquiry, however, will be principally directed to the Susquehannah Company's claim.

The original purchasers of this tract were six hundred and seventy. The number of shares, in to which it was divided, was twelve hundred and twenty-four. Many of these shares have been subdivided and passed, by descent and transfer, through various hands, till they are now owned by a very great number of people, of various States, chiefly such as have purchased them with an intention of settling thereon themselves, or providing settlements there for their children. Many have already moved and gone into possession, and many more are preparing to follow. Two or three hundred families have transplanted themselves thither from Connecticut, within a few months past, notwithstanding the prohibitory law of Pennsylvania.* About fifteen thousand

settlers are said to be, at this time, in actual occupation of their farms, under the company. In the exposed situation of a frontier, these hardy inhabitants liberally shed their blood in defence of their liberties and possessions, against the British and Indians, in the late revolution war. Several hundreds of them served in the main army.—They were considered as belonging to the Connecticut line of troops, and were returned as such. Those, who remained at home, were much harassed by the enemy, and at one time almost exterminated. They soon, however, regained their strength and numbers. They have expended the labour of years in clearing, cultivating, planting, improving and building. Their children have been growing up in an unshaken belief, that the land on which they live, is honestly theirs; and feel that peculiar attachment to the soil, which possession and habit naturally inspire. Here are the graves of their fathers and brethren, whose bones lie buried in these plains as a perpetuating memorial of their possession and claim, and whose ashes have mingled with the soil and consecrated it to the invincible affection of the surviving possessors. Here they have planted their hopes and their prospects. With the industry of Yankees, they have levelled the trees of mighty forests, and converted a pathless wilderness into gardens, orchards, meadows, fields and villages. Where wolves and bears and Indians used to roam for prey, the traveller now beholds the houses and habitations of civilized men, and churches devoted to the worship of the true God. This tract of country, fairly purchased at first, and paid for in hard-earned coin, subdued by their hands, defended by their arms, and watered with the blood of their friends, who have been martyred in

**That law, in the opinion of good judges, is clearly unconstitutional; for it involves one or the other, if not both of these absurdities; it either forbids citizens of the United States to settle on their own land, or else it undertakes legislatively to decide upon titles of real estate. Neither of which is within the constitutional powers of a legislature. It was passed and is published, in terrorem; but has never been attempted to be carried into execution, though innumerable opportunities have occurred.*

what they conscientiously esteem a righteous cause; this is the favorite spot, which the settlers have chosen for their residence, where they have fondly expected, and still expect, to live and to die, and to transmit their possessions to their heirs. Should they be finally ejected from these possessions, as their enemies are threatening and attempting, they and their families must lose their all.

It is true, some gentlemen of fortune are largely interested in these lands, having purchased them, doubtless, because they had property to employ in advantageous speculations, and placed a confidence in the validity of this title: But the greatest part still belongs to husbandmen, and persons in the middle ranks of life, who would most severely feel the loss, if their title should ultimately fail.² It is therefore a question which, in every point of view, deserves a candid-hearing.

As truth and justice are the only objects of this enquiry, the writer pledges himself to adhere strictly to documents and transactions, of which he has the evidences in his possession, or which he has good reason to believe are founded on indisputable authority.³ The reader, on his part, is requested to view the whole subject without prejudice, and then judge for himself, upon the merits of the controversy.

² The following advertisement which appeared in *The Balance*, federalist newspaper published at Hudson, New York, in the issue of September 10, 1805, is pertinent: "SAMUEL ROSSETER, from the unlawful depredations of a gang of land pirates under the name of Susquehanna Speculators, was under the necessity a few years past to take the benefit of the insolvent act, not with a view to injure his just creditors. He now feels willing that if those to whom he stood indebted before that time, and with whom he has not made a previous compromise, will call on him in the month of October next, they shall be paid to their satisfaction, and with his sincere thanks. Great-Barrington, Mass., Aug. 30, 1805."

³ H. E. Hayden states that John Franklin, one of the most active defenders of the Connecticut title living on the lands in dispute, furnished Bidwell with the information upon which the pamphlet was based. There is evidence in the pamphlet itself to support the statement. The deposition of Rev. Samuel Kirkland, for instance, as given by Bidwell in the tenth number, is the same as that in the papers of John Franklin in the Susquehanna County Historical Society, Montrose, Pennsylvania. Proceedings of the Society, 1885, II, 122.

NUMBER II.⁴

THERE are only three ways, in which either of the parties claiming the contested land, could originally become entitled to it; 1st, By grant from the European Sovereign, whose subjects discovered this part of the country. 2dly, By acquisition from the natives, who possessed it, in their mode of possession, that is, used it as a hunting ground. 3dly, By gaining the occupancy of it, as a vacant territory, destitute of any existing previous proprietor or occupant. On some, or all of these foundations, the lawful right to the land must rest. Let us see what the pretensions of each party are.

The Connecticut claimants alledge, as their grounds of title, that the English discovered this part of North America—that the King of England, in whom, as the head of the nation, that power is vested, by their form of government, granted New-England to the Plymouth Council, including all the tract of country, from the fortieth to the forty-eighth degree of North Latitude, and from the Atlantic to the Pacific Ocean, except such places as were possessed by some other Christian prince or state—that the said Plymouth Company granted to the Earl of Warwick, their President, a tract of land comprehending what is now Connecticut, and extending westward in the same breadth, to the Pacific Ocean, with an exception of the Dutch possessions, which were afterwards conquered and given to the Duke of York, and now compose the State of New-York—that the Earl of Warwick granted the same to Lord Say and Seal, Lord Brook, and others, who transferred the grant to the Colony of settlers on Connecticut River, upon whose petition to King Charles 2d he gave them a Charter, dated April 23d, 1662, acknowledging and constituting them a Colony, with powers of Government, and granting and confirming to them, their successors and assigns, the

⁴ *The Western Star*, June 7, 1796.

territory which they had so purchased under the Plymouth Council—that this grant covers the land in question—that afterwards, with the consent of Connecticut, and agreeably to their laws and customs, about six hundred persons associated together, by the name of the Susquehannah Company, and before the purchase on the part of Pennsylvania, with the knowledge and acquiescence of the Proprietaries of that Colony, openly purchased the premises of the native possessors thereof, at a public Treaty, holden at Albany, in July, 1754, with all the usual formalities of Indian negotiations, and paid therefor an honourable and satisfactory consideration; which purchase was approved and ratified by the Legislature of Connecticut—that soon after, by virtue of it, they made an actual and formal entry upon the land, then unpossessed, except by the said Indians, and took possession thereof, which with some interruptions of a hostile nature, they have continued to this day.

The Pennsylvania claimants contend, that the Charter of Connecticut never covered the contested tract—that if its words are large enough for that purpose, yet the king was deceived, when he made the grant, which ought, therefore, to be restricted to reasonable limits. They also say, that the settlements of boundaries, between New-York and Connecticut, operate as a relinquishment and determination of whatever claim that colony might originally have had to the land west of that Province. They further suppose, that if Connecticut ever had any right west of New-York, and if the same was not so relinquished and determined, yet it has been waived and forfeited by non-claim—that his Majesty might lawfully grant, and did grant the land in contest, to Sir William Penn, his heirs and assigns, by his Charter dated Feb. 28, 1681—that said Penn, and the succeeding Proprietaries extinguished the Indian title—that in consequence of the Revolution, the Proprietary estate was confiscated to the Commonwealth of Pennsylvania—that the Commissioners of Congress, who sat at Trenton, in Dec. 1782 decided the con-

troverfy between Connecticut and Pennsylvania, in favor of the latter, under whom they claim to hold the land.

These are the outlines of the two titles, impartially stated, each point of which will be examined in its turn.

It is here worthy of observation, and the reader will please to bear it in his recollection, that both parties agree in one great fundamental principle, by bottoming their claims upon royal Charters, and consequent Indian purchases. As both Charters were granted by the same authority; as that of Connecticut was between eighteen and nineteen years the earliest; as the King cannot, any more than a private grantor, resume or revoke his grant, without the concurrent act of the grantee; if the said Charter of 1662 in fact includes the disputed territory; if it contains sufficient words of conveyance to pass the right or title; unless it has been vacated, surrendered or released by somebody lawfully authorised thereto, it follows that the subsequent Charter of 1681, given to Penn, and all proceedings founded on it, so far as relates to the present subject, are utterly void. For that which is once absolutely given away, no longer exists in the giver, and cannot be subject to any further controul or disposal by him, until it is first re-vested in him. This proposition is too self-evident, to need any proof. The reader's mind, it is presumed, assents to the truth of it without hesitation, as soon as the terms are understood.

In the succeeding numbers we will take a view of these Charters, and consider their nature, operation, extent, location and existing validity.

NUMBER III.⁵

THE English having discovered North America, from latitude 34 to 48, and made an entry thereon, the Sovereigns of England assumed a right to that territory, founded upon

⁵ *The Western Star*, June 14, 1796.

such discovery, and divided it into two great provinces called South Virginia or Virginia Proper, and North Virginia or New-England; which were afterwards modified into a number of subdivisions. To the London Company, so called, King James 1st granted Virginia, extending from the 34th to the 40th degree of latitude, and from the Atlantic or Western Ocean, to the Pacific or South Sea. Under this Charter, and those which grew out of it, Virginia and the Southern States were located and settled. The same King, by his Letters Patent, dated November 3^d, 1620, incorporated the great Plymouth Council, and—"Granted to them and their successors and assigns," N. England, containing, "all that part of America, lying and being *in breadth*, from the 40th degree of northern latitude, from the equinoctial line, to the 48th degree of the same northerly latitude, inclusively, and *in length, of and within all the breadth aforesaid, throughout the main lands, from sea to sea*: together also with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines and minerals, as well royal mines of gold and silver as other mines and minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises and preheminences, both within the said tract of land upon the main, and also within the islands and seas adjoining. Provided always, that the said islands, or any part of the premises herein before mentioned, and by these presents intended and meant to be granted, be not *actually possessed or inhabited by any other Christian Prince or State*, nor be within that Southern Colony, heretofore by us granted to be planted by divers of our loving subjects, in the South part."

"And further our will and pleasure is, and we do by these presents, charge, command, warrant, and authorise the said Company, and their successors, or the major part of them, which shall be present and assembled for that purpose, shall from time to time, under their common seal, distribute, convey, assign, and set over, such particular proportions of lands,

tenements and hereditaments, as are by these Prefents formerly granted, &c."

The description of the lands here granted is comprised in words, which cannot be misunderstood, and which will help to explain the descriptive words in several subsequent grants, derived from and depending on this general one.

It is to be observed, that there is in this Charter an express exception of what was "actually possessed or inhabited by any other Christian Prince or State." The exception applied to the Plantations of the French at St. Croix, and the Dutch and Swedes upon and adjacent to Hudson's and Delaware Rivers; which being afterwards conquered by the English, under Charles 2d, he granted them to his brother, the Duke of York, whose patent will be hereafter considered.

It is also observable that the Plymouth Council were authorized and charged to distribute their territory, by assignments and under grants, for the purposes of settlement. Accordingly, in 1628, they granted to Sir Henry Roswell and others, "All that part of New-England, in America aforesaid, which lies and extends between a great river there, commonly called Monomack, alias Merrimack, and a certain other river there, called Charles river, being in the bottom of a Bay called Maffachufetts, alias Mattachufetts, alias Mattatusetts Bay, and all and singular the lands and hereditaments whatsoever, lying within the space of three English miles, on the fourth part of the said Charles river, or of any or every part thereof; and all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said Bay; and also, all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river called Monomack, alias Merrimack, and to the northward of any and every part thereof; and *all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south in latitude and in breadth, and in length and longitude, of and within all the breadth*

aforesaid, throughout the main lands there, from the Atlantic and western Sea and ocean on the east part, to the South Sea on the west part; and all the lands and grounds, place and places, foil, wood and wood-grounds, havens, ports, waters, fishings, and hereditaments whatsoever, lying within the faid bounds and limits, and every part and parcel thereof, and also all islands lying in America aforefaid, in the faid feas, or either of them, on the western and eastern coasts or ports of the faid tract of land, &c."

In 1629 King Charles 2d confirmed this grant, with such exceptions, as were expreffed in the great New-England Charter.

The northern and southern boundaries of this grant to Maffachufetts, are not so explicit as thoſe in the Plymouth Charter; they are, nevertheless, described with ſufficient certainty to admit of little, if any doubt, that they were intended to be either two parallels of latitude throughout, from ſea to ſea, paſſing through two points, one three miles north of the northernmoft part of Merrimack river, and the other three miles ſouth of the ſouthernmoft part of Charles river; or elſe two lines drawn from the Atlantic, at the diſtance of three miles north and ſouth of thoſe rivers respectively, and following the courses of the faid rivers ſo far weſtward as the rivers go, and thence two parallels of latitude extending from the termination of the rivers, due weſt, to the ſouth ſea. Theſe, ſo far as I recollect the history of Maffachufetts, are the only conſtructions ever ſeriously ascribed to the grant. The former was contended for by that Colony, being moft advantageouſe for them, as it would give them the broadest tract as the eaſt end. But in the controversy with Maſon and Gorges, in 1677, after a full hearing of the parties, the latter was ſolemnly determined to be the true one, by the Chief Juſtices of England, and the Lords Commissioners of Trade and Plantations, to whom the ſubject had been referred for conſideration, and who reported thereon to the King; whereupon his Maſteſty in Council, having firſt given the parties an

opportunity of being further heard in the case, finally adopted the report and ordered and decreed accordingly.* This determination was acquiesced in, and has always been considered as an authoritative exposition of the Charter. Though disputes arose about the application of this standard, in running out the divisionary lines between that territory and Connecticut, on the one side, and New-Hampshire on the other; and though a controversy long existed between Massachusetts and New-York, respecting the part which was excepted out of this Charter, under the description of the actual possessions of another Christian State, being then possessed by the Dutch, but afterwards granted to the Duke of York; a controversy, which continued down to the revolution, and was finally compromised by a division of the contested land, between the two States, in part, and a cession of the rest to the United States; yet in all these transactions, the principle of the royal determination, respecting the direction and extent of the Massachusetts Patent, has never been shaken. It stands as a landmark still, to guide us in this enquiry. But it is necessary to go back a little to the proceedings of the Plymouth Council.

The Earl of Warwick, their President, having in 1630 procured a grant from said Council, of a certain large tract of land, and the same year obtained the King's Charter of confirmation, gave a deed of it to Lord Say and Seal, Lord Brook and others, dated March 19th, 1631, in which the words of description are "all that part of New-England in America, which lies and extends itself from a river, there called Narraganett river, the space of forty leagues upon a straight line near the shore, towards the south west, west and by south, or west, as the coast lieth, towards Virginia, accounting three English miles to the league; and also *all and singular the lands and hereditaments whatsoever, lying and being within the lands aforesaid, north and south in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from*

*See Belknap's History of New-Hampshire, Vol. 1st. Appendix.

the western ocean to the south sea, and all lands and grounds, place, and places foil, wood and woods, grounds and havens, ports, creeks and rivers, waters, fishings and hereditaments whatsoever, lying within the said space, and every part and parcel thereof; and also all islands lying in America aforesaid, in the said seas, or either of them, on the western or eastern coasts, or parts of the said tracts of lands, by these presents mentioned to be given, granted, &c. and also all mines and minerals whatsoever, in the said land and premises, or any part thereof, and also the several rivers within the said limits, by what name or names forever called or known," &c.

The grantees appointed John Winthrop their agent to enter upon and take possession of their territory; which he accordingly did, and planted a town, at the mouth of Connecticut river, which, in honour to his two principal patrons, he called Saybrook, which name it retains to this day.

A number of English Colonists, who had emigrated from the Massachusets Plantation, and settled on Connecticut river, having, after they found they were without the Massachusets Patent, formed themselves into a voluntary political association, by the name of the Colony of Connecticut, and adopted a plan of government, upon original principles, purchased of Lord Say and others, their grant aforesaid, for £.16000 sterlinc; and in 1661 petitioned King Charles 2nd, setting forth their colonization, for the mutual benefit of themselves and the mother country, their adoption of a voluntary form of government, their grant from Lord Say, &c., and their Indian acquisitions by purchase and conquest; and praying him to give them a Charter of Government, agreeably to the system they had adopted, with powers equal to those conferred on Massachusets, or "the Lords and Gentlemen, whose jurisdiction right they had purchased," and to confirm the grant or patent which they had obtained as aforesaid, of the assizes of the Plymouth Council, according to the tenor of a draft or instrument, which they say was ready to be tendered at his gracious order.

In consequence of this application, King Charles 2nd, referring to the facts stated in their petition, granted them a Charter, dated April 20th, 1662, being the same instrument, which they had prepared and requested, in which he ordained, constituted and declared John Winthrop and others, his associates, a body corporate and politic, by the name of "The Governor and Company of the English Colony of Connecticut, in New-England, in America," with certain privileges and powers of Government; and "granted and confirmed to the said Governor and Company, and their successors, "all that part of our dominions in New-England, in America, bounded on the east by Narragansett river, commonly called Narragansett Bay, where the said river falleth into the sea; and on the north, by the line of the Massachusetts Plantation; and on the south, by the sea; and in longitude, as the Massachusetts Colony, running from east to west, that is to say, from the said Narragansett Bay, on the east, to the south sea, on the west part, with the islands thereunto adjoining, together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, preeminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, or to them or any of them belonging: To have and to hold the same unto the said Governor and Company, their successors and assigns, forever, upon trust, and for the use and benefit of themselves and their associates, freemen of the said Colony, their heirs and assigns."

This is a Charter of confirmation, and not of original conveyance; as appears by the general tenor of it, by the appropriate terms of art used in it, and by the reference in its preamble, to the Petition, in which the Patent or "jurisdiction right," purchased of Lord Say, &c. is mentioned by the Petitioners and urged as a ground of their request. The same truth is evinced by a royal letter dated April 23d, 1664, addressed to the said Governor and Company, in which King

Charles speaks of having "renewed" their Charter. The granting of this was then intended to be a renewal, ratification, or re-execution of a former one; which must have been the Patent of the Earl of Warwick, to Lord Say and others, transferred to Connecticut as aforesaid: for they never had, or pretended to have, any other."

We have already noticed, that the Plymouth Council were empowered to make assignments of parts and parcels of their territory; which, when so made, were assignable over to others. And it seems to have been the practice of the King to sanction such transfers, for the additional security of the parties, by giving confirmatory Charters to the assignees of any considerable tract. Thus he confirmed the Purchase of Roswell and his associates, of Warwick, and others. In such cases, however, the King did not undertake to give any thing anew, nor to enlarge, diminish or in any way alter the extent and bounds of such purchases, made under the Plymouth Company; but merely to stamp a royal sanction on them.

The instrument under consideration, like other similar ones, must be viewed in connection with the original Charter to the Plymouth Council, and the under Patent purchased of the assigns of that Company. The same exception, which modified that parent Charter, as to the quantity of land granted, was an essential part of this. In extent, it comprehended so much of the premises, as was "actually possessed or inhabited by any other Christian Prince or State." The limits of this excepted part were not defined, and from the nature of the scattered possessions of the Dutch and Swedes, they were at that time, incapable of an exact definition by metes and lines. They were consequently left to subsequent ascertainment between the parties who might happen to be interested. As much, however, as was covered by the exception, let the same be more or less, did not pass by the grant: But every acre of the tract described in the grant, and not included in the exception, did pass and vest in the grantees, and that in as ample a manner, with respect to

quantity of interest and estate, as is expressed in and by the words of grant, according to their usual legal import; so far forth, at least, as the grantor himself had a right to the same. This is a position, which no one in his senses will deny. To attempt a proof of it would be an insult to the reader's understanding.—It remains then to enquire, 1st—What right the royal grantor had in the premises? 2dly, What estate therein the words of conveyance express and intend? and 3dly, What is the extent and location of the tract granted? These three points will receive a future consideration in their order.

NUMBER IV.⁶

IN our last number three questions were proposed for consideration. The first was, what right and title had King Charles to the tract of land covered by the Connecticut Charter?

It is an acknowledged maxim of political law, that if any land arises, or is found, or in any way becomes unappropriated or derelict, the property of it is vested in the government, within whose jurisdiction it exists or accrues. Under a Republican form, it belongs to the whole Republic, and is to be holden, used and disposed of, in the mode and by the organs appointed by the Constitution. In Great-Britain, and all feudal monarchies, it vests in the King, the national depository of property. This principle, which is adopted to prevent confusion and such competitions for priority, as might endanger the public peace, is the foundation of escheats and other similar doctrines. It has also been extended to discoveries and acquisitions without the proper boundaries of the realm. Thus uninhabited Islands have been acquired and holden by right of discovery. And thus

⁶ *The Western Star*, June 21, 1796.

too, when America was discovered, agreeably to the general practice and consent of Europe, the sovereigns, whose subjects made the discoveries in various parts of this continent, became entitled to the dominion and fee of the respective territories so discovered, having to the natives certain possessory rights, on account of their use of the land as hunting ground. The European powers accordingly appropriated and portioned out the new country, by various charters, to individuals and companies of adventurers. In this mode of proceeding the commercial nations acquiesced, till at length it obtained the practical sanction of the whole civilized world. Whether it can be justified, upon the ground of equality and the rights of man, according to the more refined ideas of this enlightened age, is not here a necessary question. It is sufficient, for the purposes of this argument, that it was assumed as a law of nations, and most, if not all, of the colonies in America, are to be traced back to this origin. Though I am not disposed or obliged to attempt a vindication of it, upon first principles, I ought perhaps to observe, that it was recommended by some very powerful reasons of necessity. For, as the earth was given, by the great proprietor of nature, to the children of men, for the common use of all, it was manifestly designed to be improved in such a manner, as would support the greatest number of inhabitants; since it would then best answer the benevolent end of its bestowment. Now, the same quantity of ground, which is requisite to furnish subsistence for one hunter, is capable of affording, under the productive hand of agriculture, a competence of nourishment for a hundred cultivators. The hunting state must therefore give way to the agricultural. Whenever one country begins to be so fully stocked with people, as not to be sufficient to sustain them all comfortably, in a suitable mode of improvement, it then becomes their right, and their duty too, to migrate to some other region, which is either vacant, or but partially inhabited. The crowded hive must swarm. As, from these and other motives, settlements would inevit-

ably be made, and perhaps ought to be made on this newly discovered and almost uncultivated continent, by emigrants from the overthronged kingdoms of Europe, it was obviously best, both for the aborigines and the settlers, that such emigrations should take place, not according to the interfering inclinations of individuals, but under the direction of the sovereigns, to whom they acknowledged allegiance, and from whom they expected protection. At any rate, if this right of colonization, under royal charters, should be now reversed, the reversal would tear up the foundations of all the charter Colonies, royal Provinces, and Proprietary Governments, which, by the late successful revolution, were moulded into the United States of America. Principles of policy, as well as justice, therefore, command us to maintain the validity of our ancient Charters and the titles acquired under them. In the present instance, both parties acknowledged their force and build their claims upon that foundation. As to them, therefore, a charter title is undenialable and decisive, so far as it fairly extends.

The right which a King of England, or any other European Power, had, by virtue of discovery, according to that common consent which forms the law of nations, was the absolute fee of so much of the country as lay vacant, and the right, in exclusion of others, to purchase such parts as were occupied by the natives, as soon as they should be disposed to sell the same. Whenever he united the Indian title to his own, by fair contract, the absolute property was vested in him and he then became the sole and exclusive owner. Such a right of property and pre-emption was in its nature transferable. Indeed it would have been wholly useless, without a power of transfer; for the King could not improve the land himself; and a conveyance of the territory in fee simple, must, at least, transfer all his interest and property in the soil. For if a grantor undertakes to convey the whole of any thing absolutely, without any reservation, and as free and clear of incumbrances, when it is in fact incumbered

with a pre-existing right or lien of another person, the grant cannot, it is true, take complete effect; since no man can effectually convey more than belongs to him; yet, unless the estate is forfeitable by such excess of authority, it operates in law as an effectual conveyance of the premises, subject, however, to the incumbrance or limitation. In other words the grantee takes the place of the grantor, and is invested with all his rights in relation to the land.

In this sense the royal Charters have been universally understood and carried into operation. Practice has explained and enforced the principle, better than could be done by volumes of theoretical reasoning. Those, who were entitled, by virtue of such grants, have thus claimed and holden their lands, after having obtained a release or transfer from the Indians. In the exercise of such a right of foil, the several Provinces, Colonies, Charter Companies, and Proprietaries, have parcelled out their territories, by various modes of sale, into towns, plantations, and single farms. Innumerable intermediate transfers, conformable to the laws of each state, have conveyed the derivative right down to the present owners. This is the origin of the title, which every land-holder in the United States, except such as have grants from our Government, since we succeeded to the British dominions in America, has to his possessions. Whoever, therefore, can show a title, deduced from the same origin, to the Susquehannah lands, or any part of them, is, upon the same immutable principle of justice, the equitable and lawful proprietor thereof.

NUMBER V.⁷

WE have seen what right the King of England had to the lands in controversy, and that the same was transferable. The next object of enquiry is, how far the words of

⁷ *The Western Star*, June 28, 1796.

the royal Charter of 1662, confirmatory of the title deduced from the Plymouth Council, did in fact transfer it.

It ought here to be premised, that we are not considering in what extent the powers of government were given. That is a subject, which we profess not to discuss. Whether the State of Connecticut were justly entitled to the governmental dominion over the western territory, by virtue of their Charter, is not within the scope of our investigation. Jurisdiction and property are distinct in their natures, their objects, and their sources of derivation. They are expressed in this and other royal Charters, in separate clauses, and by different words of grant. They do not naturally imply or include each other. The former may belong to one man or body of men, and the latter to another at the same time. One is assignable in its nature, the other not. An attempt to convey the power of government amounts to a resignation of it, but does not vest it in the purchaser. It was settled by the royal determination in 1677, and afterwards practised upon as an established rule, that the Plymouth Council might sell and transfer their right of soil, but not the jurisdiction, which was holden to be appropriate and unalienable. Therefore, when that Council had granted the territory, which is now the State of New-Hampshire, to Mason, he was adjudged to hold the land, and it accordingly descended to his heirs, without any participation in the government. The jurisdiction was considered to be abandoned by the Plymouth Council, and the King proceeded to erect a new one over the Province. According to this distinction, which is believed to be a solid one, Connecticut might derive their property in the soil, from the Plymouth Patent, but not their right of jurisdiction. That must be founded upon either their own voluntary association, or the Charter of 1662. From which of those sources it originated, or how far it extended, is foreign to our purpose. The Commissioners appointed by Congress in 1782, decided the question of jurisdiction in favour of Pennsylvania. So far as the decision was within

their constitutional authority, founded upon the true meaning of the ninth article of the Confederation, it is final and conclusive between the States, as to territorial jurisdiction; provided it was fairly obtained. It is, indeed, alledged, in behalf of Connecticut, that there was gross fraud in that transaction, on the part of certain persons interested in the Pennsylvania claim, in detaining and secreting some important original papers, which came into their possession, through accident or design, by means never yet satisfactorily explained; which papers were supposed then to be in England, in the hands of Counsel, with whom they had been left, but were, in fact, concealed in Pennsylvania, before the application was made for the appointment of Commissioners, and during the trial at Trenton.⁸ It is a fact, that Connecticut objected in Congress against holding the trial, till the termination of the war, expressly upon the supposition, that those documents were in England. Their agents also moved the Commissioners for an adjournment, upon the same ground; but the motion was overruled. How far the charge of a fraudulent suppression of evidence can be supported, is not for me to examine, as I purposely confine this examination to the single point of property. The Legislature of Connecticut have been considering of an application for a new trial, respecting the jurisdiction. Some embarrassments have occurred, as to the mode of obtaining it; but, if the fact be true, it is to be hoped the hands of justice will not be tied by forms, or palsied with impotence. Connecticut will doubtless understand and assert her rights, if it can be done without endangering the public tranquility.

The settlement of the jurisdiction has no necessary connection with the title of the land. The latter was expressly excluded from the consideration of the Commissioners, as we shall see in a future number. In deciding the former, they

⁸ The deposition of Eliphalet Dyer, September 3, 1793, in the Franklin manuscripts supports this statement and may have been submitted by Franklin to Bidwell. *Supra*, note 3.

might be of opinion, that it was not the intention of the Charter, to extend the Government of Connecticut over the whole of the land granted, but to leave it co-extensive with the original colonial establishment. They might judge, that a new government could lawfully be created within the limits of a former one, by the same authority which constituted the first, without disturbing any private rights acquired under it; or they might view it in a political point of light, and think it was of little or no importance, to which state the government should be awarded. What the reason of their decision was, and how far it was erroneous or well founded, is another and altogether a different point. The present question is, whether the Charter of Connecticut did really transfer all the property in the soil, which before belonged to the King.

The operative words are, "and know ye further that we, of our abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant, and confirm, unto the said Governor and Company, and their successors, all that part of our dominions in New-England in America, bounded, &c. together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, preeminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid, or to them or any of them belonging; to have and to hold the same unto the said Governor and Company, their successors and assigns forever, upon trust and for the use and benefit of themselves and their associates."

Give, grant and confirm, are proper words of conveyance. The general expressions, *all that part of our dominions, bounded, &c. and especially the specifying terms, all lands, soils, grounds, hereditament, &c. within the said tract,* carry the whole of the land included in those bounds, and every particle thereof, together with all the privileges and

appurtenances. The Governor and Company being a lawful corporation, with perpetual succession, a grant to them, their successors and assigns forever, vests an absolute estate in fee simple.

In short, no one, whose opinion is worth regarding, will hazard his reputation for common sense so far, as seriously to deny, that the words here used to express the grant, the things granted, and the nature and quality of the estate intended, are, according to their strict technical definition, as well as their general acceptation in common parlance, sufficient to pass to the grantees all the property whatever of the grantor in the premises. So that the Governor and Company of the Colony of Connecticut, hereby became absolutely and indefeasibly vested with the whole right and title, which, by the laws of nations, and the consent of mankind, previously existed in the King of England, as to every acre of land included within the descriptive limits of the Charter, and not reserved by the exception before mentioned.

The extent and location of the grant come next under consideration, and will form the subject of the succeeding number.

NUMBER VI.⁹

WE are next to consider the extent and location of the Connecticut Charter.

It is a rule of common law, founded upon solid reason, that every grant is to be taken most strongly against the grantor and in favor of the grantee; because it is always presumed, that he who grants a thing, will express it in terms most beneficial to himself. Therefore if the words admit of two interpretations, that is to be adopted which is most advantageous to the other party. This rule of construction is

⁹ *The Western Star, July 5, 1796.*

as applicable to royal Charters, as to the grants of private persons, and is expressly recognized by the Charter under examination, in these remarkable words.

"And lastly we do, for us, our heirs, and successors, grant to the said Governor and Company, and their successors, by these presents, that these our Letters Patent shall be firm, good and effectual in the law, to all intents, constructions and purposes whatsoever, according to our true intent and meaning herein before declared, *as shall be construed, reputed and adjudged most favorable, on the behalf, and for the best benefit and behoof of the said Governor and company, and their successors,* although express mention of the yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by us, or any of our progenitors or predecessors, heretofore made to the said Governor and company, &c. is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing whatsoever, to the contrary hereof, in any wise notwithstanding."

The English language cannot furnish words sufficient to form a stronger declaration in favour of the grantees. Agreeably to the general rules of construing deeds, and the plain letter and spirit of this most explicit clause, the grant was, to all "intents, constructions and purposes whatever," effectual and irrevocable in its operation, and must clearly have, not a restricted but a liberal interpretation, in point of extent, quantity and duration.

In those early days, when precise boundaries were not minutely understood, and land was comparatively of little value, the descriptions in public Charters, as well as private deeds, were loose and indefinite, to a degree, that astonishes those, who are accustomed only to the modern accuracy of descriptions. But the intention of the parties, in every case, is to be collected from the whole instrument, and any other documents, to which it refers. For, in the eye of law, that

is certain, which by a reference to something else known and certain, is capable of ascertainment.—Now the Charter of 1662 evidently refers to, and is predicated upon the purchase, which the Colony had previously made of Lord Say and Seal and others.—Their deed, therefore, from the Earl of Warwick may fairly be admitted to explain this confirmatory Charter, and supply any want of particularity in the description of its premises. For the same thing was undoubtedly intended by both.

It ought to be recollected that the side boundaries of Massachusetts were fixt lines, being parallels of latitude, extending from certain points across the continent; that the Atlantic was then called the Western Sea or Ocean, and the Pacific known by the name of the South Sea or Ocean.

With these leading circumstances in view, let us examine the descriptive language of this Charter. The first words of it are, "all that part of our dominions in *New-England*." The tract intended is therefore within *New-England*, that is, between the 40th and 48th degrees of Latitude inclusively, which were the express limits of New-England, or North-Virginia. Such a location of the grant, as will carry it North of the 48th or South of the 40th degree of Latitude, is excluded, by the very terms. It is bounded on the East by Narragansett River or Bay, on the north by the line of Massachusetts Plantation, and on the west by the South Sea.—The eastern, northern and western boundaries are so particularized, as to admit of no possible dispute or doubt. And it must necessarily have some extension southward. The Charter expresses, in general terms, that it is bounded, on the south, by the sea, and particularly that it extends to "where the said River (that is the Narragansett River) falleth into the sea." From the line of Massachusetts, then, it certainly spreads to the sea, at the east end. But the whole southern boundary is not so particularly described in the Charter, as in Warwick's deed, where it is expressed to be "the space of forty leagues from Narragansett Bay or river, upon a straight

line, near the sea shore, toward the southwest, west and by south, or west, as the coast lieth, toward Virginia, and north and south in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout all the main lands there, from the Western Ocean to the *south sea*."—Forty leagues, or one hundred and twenty miles, spread over all the sea coast south of Narragansett, and north of the south line of New-England, except the coast of New-York and New-Jersey, which States are within the exception in the grant, as we shall see in the sequel. If language has any meaning, the tract intended to be granted reaches to the Pacific Ocean, in some direction or other. The "South Sea" is in express terms made the western limit, both in Lord Warwick's deed and in the Charter. The expression is not capable of a double meaning. There is but one sea, or body of waters so called. There is not, and never was, any other place, or situation known by that name. So permanent, so unequivocal and known a boundary cannot, with the least colour of reason, be denied or explained away. To attempt it, would surely be trifling with every reader, who understands the English language. The grant positively runs to the South Sea. By being limited on the line of Massachusetts, as its northern boundary, it is clear, the tract granted must lie in such a direction, as not to interfere with that Colony. In other words, it must be situated south of it. From the Charter, it is evident that the length of the territory granted lies and extends in the same direction with the Massachusetts line. No other possible construction can be given to the words, "in longitude, as the line of the Massachusetts Colony, running from east to west, that is to say, from the said Narraganett Bay on the east, to the South Sea, on the west part." Nothing can be more explicit. By the Earl of Warwick's deed, it is equally evident, that its breadth is from north to south. The words are "North and South in latitude and breadth. Now, length and breadth are terms of known and unequivocal signification, when used in describing

land. The word "Latitude" appears to be here used in its common geographical sense, meaning distance from south to north, between two parallel circles; and "Longitude" as obviously signifies distance from east to west, between two meridians. Such was the language of those times, as appears by other similar instruments in general.

This location is also conformable, in its points of extent and direction, to that of the other charters granted by the same authority and relative to the same kind of subjects. Witness the Plymouth Charter and that of Massachusetts, in which the direction was uniformly from east to west, within certain parallels of Latitude. In those grants the expressions *east* and *west*, *north* and *south*, confessedly mean, duly and directly in those several points of compass, according to parallel and meridional lines. And there is no manner of reason for supposing a departure, in this one solitary instance, from the accustomed sense of words, as used in such writings. The date of the Plymouth Charter was in 1620. The purchase of Massachusetts was in 1628; their Charter in 1629. The Earl of Warwick's purchase, and his confirmatory charter, were in 1630. His deed to Say, Brook, &c. was in 1631. At no greater distance of time, the parties concerned, of whom Lord Warwick was a principal one, being a leading member and President of the Plymouth Council, doubtless understood the subject alike, and affixed to the descriptive words, which were common to the several patents, the same sense, in all of them, when applied to the same subjects, and standing in a similar connection.

The reader must have noticed a striking similarity of expression between the Charter of Massachusetts, and Lord Warwick's deed to Say and others. Some part of the latter is nearly a transcript of the former. After describing the land granted, as lying between the rivers Merrimack and Charles, and spreading three miles north and south of those rivers, that Charter says "all and singular the lands and hereditaments whatsoever, lying and being within the limits

aforefaid, north and south in latitude and in breadth, and in length and longitude, of and within all the breadth aforefaid, throughout the main lands there, from the Atlantic Sea and Ocean on the east part, to the South Sea on the west part."

After mentioning the sea coast for the distance of one hundred and twenty miles, as the southern boundary (the line of Maffachufetts being the northern) Warwick's deed says "all and singular the lands and hereditaments whatsoever, lying and being within the lands aforefaid, North and south in latitude and breadth, and in length and longitude, of and within all the breadth aforefaid, throughout the mainlands there, from the Western Ocean to the South Sea." The tract intended by the former was situated between a line beginning at the sea, and running in an irregular curve, parallel with the Merrimack, three miles north of it, to Patucket Falls, which was confidered the western extent of that river, and another line drawn in the fame manner, three miles south of Charles river, as far up that river, as it extends to the west, thence westward, "of and within all the breadth aforefaid," that is, the breadth which it had, at the westernmost extent of the river lines, in a direct course to the Pacific Ocean, between imaginary or parrallel lines drawn from thosse two stations. This is the settled and adjudicated construction of that Charter. The adjudication is an authority exactly in point, there being no material difference in the two cases, in this respect. The words, "of and within all the breadth aforefaid," in the Connecticut grant, must mean the breadth which it had acquired, at the western termination of the specified southern boundary. With confidence, therefore, we pronounce, that the territory here intended is bounded on the north by the south line of Maffachufetts, on the east by Narragansett river, on the south by the sea, from the mouth of the said river, to the point where one hundred and twenty miles terminate, and thence by a line of latitude, passing through that point, and including the same breadth, to the Pacific Ocean. Within those limits the land covered

by the Susquehannah Purchase is known to be situated. Unless, therefore, it falls under the exception before alluded to, it passed by the Charter to the Colony of Connecticut.

NUMBER VII.¹⁰

IN the preceding numbers it has been demonstrated, as far as the nature of the subject admits of demonstration, that all the right and title, except the Indian posseffory claim to the land in contest, was vested in the Colony of Connecticut, by the Royal Charters before stated, unless this contested tract was included in the exception expressed or implied in those charters. That is then the next object of investigation.

It has been already observed, that the great New-England or Plymouth Charter, expressly excepted so much of the territory described, as was "actually possessed or inhabited by any other Christian Prince or State." The under Grant, which the Colony of Connecticut purchased of the Assignees of the Plymouth Council, could not be more extensive than that out of which it was carved, but must necessarily be qualified by the same limitations and exceptions. To deny this, would be to contradict the mathematical axiom, that a part cannot include what is not included in the whole: And the Charter of 1662, being not an original grant, but only a confirmation of the former derivative title, referring thereto, and predicated thereon, is equally subject to the same exception, whether it is particularly expressed therein, or not.

Besides, at the date of this Charter, the English were not in possession of that part of the country, which is supposed to have been excepted out of the grant. On the contrary, the Dutch and Swedes claimed and possessed it, under a discovery made by Henry Hudson, in 1609, of whom, though an

¹⁰ *The Western Star*, July 19, 1796.

Englishman, they pretended to have purchased a Chart of the coast and the right of discovery. The States General, accordingly, in 1614, gave a patent, by virtue of which the patentees settled at New-York, which they called New-Netherlands; and extended their settlements up the river as far as Albany, which they named New-Orange, where they built a fort. It is true they were interrupted by Capt. Argall from Virginia; but re-established themselves, and continued in quiet possession of the river, until after the date of the Charter to Connecticut. The King of England had no authority to grant away those lands, thus holden under a different claim, until he had acquired them, by some mode of acquisition, permitted by the laws of nations. This position is just, whether the possession of the Dutch was rightful, or merely colourable; since it was at least an actual and adversary one. Suppose a private man owns a long tract of land, through the middle of which another person has formed an actual settlement, which he occupies under colour of title. A deed of the whole tract thus situated will effectually convey the two ends, but not that part, which is thus actually occupied by the disseisor. Why is not this rule of law applicable to the case under consideration? If the Dutch had a good right to the land possessed by them adjacent to Hudson's river, clearly the King of England could not dispose of it at all. If they had not a good right to it, they were disseisors of it; and while the national disseisin continued, a Charter from the crown of England, let it be expressed in as strong terms as possible, could not pass the right of foil. The territory must first be reduced to possession. Such a reduction did not take place, until August 1664, when, a war having broken out between the English and Dutch, Col. Nichols, under a commission from King Charles the second, conquered and added the Dutch settlements to the British Dominions. The land, over which those settlements were spread, did not, therefore, and could not, pass by the antecedent Charter to Connecticut.

Indeed that Charter fairly admits and implies, if it does not express, the exception. For it includes only what was then within the dominions of King Charles. The words are "all that part of *our Dominions* in New England," &c. These Dutch territories were not, at that time, a part of his Dominions; but were, in fact, under the dominion and government of another independent State, and a State too, in amity with Great-Britain. So that they are not within either the letter or spirit of the royal grant.

This is the sense, in which the Charter has always been understood by both parties thereto, as is evident from the circumstances, that Connecticut never claimed the Dutch territories, as a part of the tract included in her Charter; and that the King on the 12th day of March, 1664, gave a commission for the conquest, and a patent for the property, and government of those very territories, knowingly and expressly to his brother the Duke of York; which patent was renewed after the conquest of the Dutch, upon a doubt whether the possession of another nation, at the date of the first patent, did not render it void. Thus all parties concerned acquiesced in the undoubted right of the crown, to grant the proper Dutch territories, when once reduced into possession, as land not before granted; although much dispute unhappily followed respecting their extent and boundaries.

But whatever were the limits of the Dutch and Swedish dominions or possessions, precisely the same were the boundaries of the excepted tract, which did not pass by the Charter to Connecticut, but was granted, as before stated, to the Duke of York. Those limits, therefore, deserve particular consideration.

Whoever reads the Charter to the Duke of York, will be convinced, that it was intended to transfer to him all that part of New-England which then remained vested in the crown. In the language of Smith, the Historian of New-York, he was made the "residuary legatee" of the royal estate in New-England. Yet his Charter is bounded on the west

by the Delaware. And I do not find that the Duke, or any person under him, ever claimed any further to the west. The Dutch, before him, so far as appears by the authentic histories of those times, never pretended to hold any land so far from Hudson's river westward, as to interfere with the subject of the present controversy. It is certain they never, in fact, had any possessions or habitations there; and, if not, the land in question was not within the exception, which could extend only to so much, as was properly under their immediate possession.

This idea is well expressed in the written opinion of four English Lawyers, of high authority, who were consulted upon the subject, and to whom the Connecticut title was stated at large. In answer to the following question, "Do the words, *actually possessed and occupied*, extend to lands on the west side of the Dutch settlements, which were at the time of the Grant of James the first, in a perfect wilderness state, but divided from the English settlements by the possession of the Dutch? And did the grant to the Council of Plymouth mean to except, in favour or foreigners, not only what they had actually planted, but all to the westward of such plantations?" They say, "We are of opinion, that the words *actually possessed and enjoyed*, do not extend to lands on the west side of the Dutch settlements, which were, at the time of the grant of James the first, in a wilderness state, though divided from the English settlements by the actual possession of the Dutch; and that the grant to the Council of Plymouth did not mean to except in favor of any one, any thing to the westward of such plantations."

E. Thurlow,
Al. Wedderburne,
Rd. Jackson,
Jn. Dunning."

For the very same reasons, the Charter of 1662 did not except, in favour of any one, an acre of land west of the Dutch plantations. The exception in this latter Charter is

founded on the same great principle, as that in the primitive one to the Plymouth Council, and being implied, rather than expressed, cannot, by any construction, be broader. A rule or an exception, founded upon implication, cannot surely extend beyond the reason or necessity of the case.

Therefore, as the land now in controversy lies clearly west of any such plantations, and yet within the British dominions, as they then existed, and also within the descriptive limits of the Charter, it was not touched by the exception, but passed by the royal Grant, and vested in the Governor and Company of the Colony of Connecticut.

We shall shew, in a future number, that the Connecticut claimants have extinguished the Indian right, and consequently have now a complete title.

NUMBER VIII.¹¹

THE Connecticut Susquehannah Company, whose right to the contested land is particularly under consideration, was formed in July 1753. Upon the first settlement of the colony, an Indian purchase, made by any freeman, was considered as valid, without the concurrence of government. But, as it is expressed in the preamble of a statute, afterwards made upon the subject (difficulties having arisen by reason of many purchases thus made by individuals, without the preceding allowance or subsequent consent of the assembly) it was enacted in and by the said statute, which was in force when the Susquehannah purchase was made, that "*All lands in this government are holden of the king of Great-Britain, as Lord of the fee, and that no title to any lands in this colony can accrue, by any purchase made of the Indians, on pretence of their being native proprietors thereof, without the allowance or approbation of this assembly.*" At that day the

¹¹ *The Western Star*, August 2, 1796.

colony did not pretend to sell their lands, but portioned them out among their citizens, by suffering them, under the discretion and controul of government, to become purchasers of the Indians. Whenever the assembly judged that the public good required an extension of settlements, they permitted individuals or companies to acquire lands of the natives for that purpose. A previous permission or subsequent approbation, was all that was necessary to render the transaction valid. Settlement and population, rather than speculation and gain, were the objects of this policy. Whether it was wise or not, need not be enquired. It is sufficient, that it was adopted by those whose right it was to judge and determine. Something like it, however, has existed in the beginning of most of the other colonies. The lands on the east side of New-York, having been in this manner taken up, a number of enterprising citizens associated together for the purpose of procuring a tract on the west side of New-York, adjoining upon the river Susquehannah. They assumed the name of the Susquehannah Company, and at length effected a purchase from the Five Nations of Indians. Their deed is dated July 11th, 1754. After describing the grantors, and their right and authority, as "chiefs, sachems and heads of the Five Nations," and the native proprietors of the land, and that the same lies within the limits of the royal charter to Connecticut; mentioning the application of the grantees being subjects of King George the second, and inhabitants of Connecticut, and expressing the good understanding which had mutually subsisted between the parties, their wish for its continuance, and the benefits which would result from a settlement on the premises, the deed contains these words, "Now thereupon, for and in consideration thereof, and for the further full and ample consideration of the sum of two thousand pounds of current money of the province of New-York, to us, to our full satisfaction, before the enfealing hereof, contented and paid, the receipt whereof, to our full content, we do hereby acknowledge, and thereupon do give,

grant, bargain, sell, convey and confirm, to &c." (*Here follow the names of the grantees, &c.*) "Which said given and granted tract of land, is butted, bounded and described as followeth, viz. Beginning from the one and fortieth degree of north latitude, at ten miles distance east of Susquehannah river, and from thence, with a northerly line, ten miles east of the river, to the forty-second, or beginning of the forty-third degree of north latitude, and to extend west two degrees of longitude, one hundred and twenty miles, and from thence south to the beginning of the forty-second degree, and from thence east to the aforementioned bounds, which is ten miles east of the Susquehannah river, together with all and every the mines, &c. and all other the hereditaments, &c. to have and to hold the above granted and bargained premises, &c. to them and to their heirs and assigns forever," &c. There are also the usual covenants of seifin and warranty. The deed was executed by six principal sachems, in the presence of Ephraim Williams, jun. and Joseph Kellogg. The same day it was executed by five more principal sachems, in the presence of James Sharp and Martin Lydius, and by three others in presence of Sybrant Van Schaack, jun. and Johannis I. Wendell. It was also afterwards executed by four other chiefs of the Six Nations, in the presence of Sybrant Van Schaack, jun. Jacob Van Woert, jun. and Martin Lydius. The persons above named are the subscribing witnesses. The execution of the deed is proved by the annexed affidavits of all the said witnesses (except Major, afterwards Col. Williams, and Capt. Kellogg, who had deceased before the caption of the depositions) taken before the Mayor of Albany, Dec. 23d, 1760. John H. Lydius, Esq. a respectable gentleman of Albany, who had been an agent or interpreter, employed by the Connecticut people, made an affidavit of the execution by the six sachems, to which the said Williams and Kellogg had signed their attestation. The Indians, who signed the deed, are proved by the depositions of the witnesses, to have been the chiefs, sachems, or head men of the several

nations, who usually transacted such sales, in behalf of their respective nations. It is also testified, that they were sober, acted openly, and appeared to be well acquainted with the nature of the transaction, and perfectly satisfied with the bargain and the payment. Col. Lydius, especially, testifies that he himself paid them at his house, the several sums stipulated, to their full satisfaction and content.¹²

The Rev. Samuel Kirkland, Indian missionary, in his affidavit, taken upon the subject, "deposeth, that soon after he came to reside among the five confederate nations of Indians, which was in 1765, an Indian chief, with whom he resided near two years in the Seneca country, told him, that the Five Nations (or Six Nations, as they were then styled) had sold a large tract of land, on the Susquehannah or Wyoming, to the New-England people, and had received a large sum of money for it, and that one Lydius of Albany was concerned in the purchase, as interpreter or principal agent. This information, with many other transactions of a similar nature, the said deponent received from the Indians, at their own voluntary motion, while they were giving him an his-

¹² In the *Papers of Sir William Johnson*, Albany, 1921, I, 645, the following sketch of the agent of the Susquehanna Company is found: "John Henry Lydius, a son of Rev. John Lydius, Reformed Dutch minister of Albany, was born in 1693. He married a half-breed, became a successful merchant and Indian trader and as such was a competitor of Johnson. His house near the Great Carrying Place at Fort Edward, was long a favorite rendezvous. It was sacked and burned in November, 1745, by Marin in transit to the destruction of Saratoga. In 1750 Lydius lived in Albany, as a trader, and acted as an agent for the exchange of prisoners. Johnson for years distrusted him, openly accused him of being a dangerous man, and charged him with sending to Canada a packet containing an account of a skirmish between a band of Indians and Albanians. Shirley always held Lydius in high estimation and intrusted him with several delicate transactions with the Indians. It was Lydius who negotiated a purchase of the Wyoming Valley for the Connecticut company. In 1776 Lydius removed to England and in 1791 died near Kensington, aged ninety-eight years."

The Indian title secured by Lydius was made under circumstances that afford reasonable grounds for questioning the validity of the transaction, as the argument of Bidwell indicates.

torical account of their country, and various negotiations of the white people. The same account of the Susquehannah purchase, and others familiar to it, the deponent has frequently heard related by different Indians of the Five Nations, for many years, having resided in their territory for near thirty years, and scarce ever been absent from them, more than three months at a time, during that term; and never, to his remembrance, heard any of the said Indians complain of said purchase.”¹³

Thus it appears the Indians were satisfied; which is the highest evidence that the transaction was real and fair, on the part of the purchasers. The Indians are apt enough to remember and resent any unfairness. Indeed they are often dissatisfied, even when well and fairly treated. They have been sometimes disposed to forget or deny their sales of land, and to make the white people pay a second time for their purchases. But here they remembered and were satisfied.

In May 1755, a committee of the Susquehannah Company, consisting of Phineas Lyman and others, petitioned the Assembly of Connecticut, reciting their purchase aforesaid of the Indians, and praying the acquiescence of the Assembly and their consent for an application to his Majesty, to erect them into a new colony or plantation. Whereupon, it was, among other things, resolved by the Assembly, that “*they accordingly hereby manifest their ready acquiescence therein;*” &c. During the same year, the company sent surveyors to begin the laying out of the land; but the war with the French

¹³ *Supra*, note 3. Rev. Samuel Kirkland, graduate of the College of New Jersey in 1765, was, with a few interruptions, a missionary among the Indians for forty years. He was successful in causing the Oneidas to support the American cause in the Revolution, though the other tribes in the Six Nations were influenced by Sir William Johnson to support the English side. He was the founder of Hamilton Oneida College, an institution for the education of American and Indian youths. His son, Rev. John Thornton Kirkland, became president of Harvard.

Many of his papers, including his plan of education, are deposited in the Hamilton College Library.

prevented any actual settlements until the year 1762, when a number of proprietors went on, took possession and began the clearing of the ground. Late in the fall they deposited their farming utensils in the woods, returned home and tarried during the winter. The next spring they renewed their possessions, to the number of 200, and made a considerable settlement. At that time there was no Pennsylvania settler on the whole purchase. In 1768, about a thousand people moved upon this tract, and planted themselves under the Company. These are facts, which can be proved by a great number of persons still living, many of whom have now no interest in the land, and consequently are competent witnesses. The settlements were afterwards interrupted, but never discontinued. In January 1774, the settlers were incorporated into a town, by the name of Westmoreland, comprehending the whole extent of the purchase, from north to south, and extending west as far as the line of partition established by treaty with the Indians. This town was annexed to the county of Litchfield. In May 1776, it was by statute created a county, with the same powers, privileges and regulations as the other counties in Connecticut. From that time a complete civil and military establishment took place and continued till the decree of Trenton, in Dec. 1782. Representatives attended the Legislature. Courts were constituted, and tried all causes, real and personal, civil and criminal, and carried their judgments into effect. Executions were extended upon land. Judges of Probate held cognizance of testamentary matters. Records were regularly kept. Offenders against the laws of Connecticut were indicted, arraigned, tried, convicted, sentenced and punished. A militia was organized. All grades of officers, civil and military, were duly appointed, and exercised the various functions of their offices. This was the state of things for more than six years. The Legislature passed various laws respecting the settlers and this Company, as well as that known by the name of the Delaware Company. An act was passed at the October

feßion in 1782, containing the following words, "Whereas the purchafers of the native right to a large tract of land, lying within the limits of this fte, and on the west fide of the Delaware river, under the name of the Sufquehannah Company and the Delaware Company, *have, by the consent of this State, made their respective purchases, &c.* it is therefore enacted, that the committee, agents, or other perfons, appointed by faid companies, to collect taxes, for the ufe of the faid proprietors, are authorifed to fell the lands of the delinquent proprietors, to pay their proportion of taxes, &c. with cofts, and to execute deeds of conveyance thereof, which fhall be effectual." Thus the exiftence of the Company, and the validity of their purchase, with the consent of the state, and according to their laws and customs, was legiflatively recognized; and the officers of the company, appointed by a major vote, agreeably to their own rules and regulations, were authorifed to execute the moft important of corporate powers, that of enforcing taxation, upon land too, the higheft kind of eftate. All this preceded the decifion of the jurifdiction by the Trenton commiffioners.

Such are the facts with regard to the Indian purchase, the confequent poſfeſſion and settlement of the land by the purchafers, and the confirmatory proceedings of the Legiflature of Connecticut.

As feveral objections have been made to this purchase, they will be candidly confidered in another number, together with the circumstances attending the Pennsylvania purchase of the Indian title.

NUMBER IX.¹⁴

IT has been objected againſt the Sufquehannah Indian Deed, that "the deſcription of the land is written on a rafure." The well known rule of law, in that reſpect, is, that an erasure

¹⁴ *The Western Star*, August 16, 1796.

or alteration, made in a deed, after its execution, by the party himself, who claims a right by virtue of it, renders it void, even though it is only in an immaterial part; and any material alteration by a stranger, is equally fatal. But if a part, or all of a deed, be erased and written over again, before it is sealed and delivered, that circumstance has no effect upon the validity of the instrument. The reason of this rule is too obvious to need any explanation. Whether such alteration was made before or after execution, is always a question submitted to the consideration of the jury. Now the fact, as to this deed, which was drawn by the Hon. Col. Dyer, of Connecticut, is simply this, that some of the words in the description of the land were erased, and other descriptive words written in their place, in conformity to the wishes of the Indians, after the deed was draughted, and before they or any of them executed it. This is capable of satisfactory proof, by a number of persons, who saw it at the time. One of the subscribing witnesses, James or Jacobus Sharp, who is still alive, in Albany, and who is there known to be a credible man, though not in an elevated rank of life, on the thirty-first day of March, 1794, made an affidavit, before the Mayor of that city, pursuant to a rule of court, respecting the original deed, which was then shewn to him, and on which the said Mayor endorsed his name, with a certificate, and the city seal, for the sake of identification, and annexed the affidavit thereto. In that affidavit, among other things, the deponent swore, that the deed appeared then to be "in the same state, with regard to its contents, that it was in, at the time of its execution by the aforesaid Indians."

Another objection made to the deed is, that "it was executed at different times, and before different subscribing witnesses." This is the first attempt, I believe, seriously to dispute a deed, because all the grantors did not sign, seal and deliver it at once. Is there any pretence for supposing it less authentic or operative, because executed by some of them in the forenoon, and by others in the afternoon, or by a part

on one day, and the rest on the next or subsequent day? Certainly not, provided all the requisite grantors have in fact signed it. No rule of law, that I know of, requires that a deed be signed, sealed, and delivered by all the grantors, obligors, or covenantors, in the presence of each other, or at one and the same time, or before the same witnesses. Something a little like that is required by the statute of wills; but the requisite is not extended to deeds. Common sense, and every day's practice, in every state, refute the objection.

Another similar objection has been urged "that the name of Hendric Peters is in the body of the deed, whereas he did not sign it; and that four chiefs signed it, whose names are not inserted in the deed." Hendrick was one of the Mohawks, and had a considerable share of influence among them, though he was not a proper sachem. His elder brother, Abraham Peters, who was the chief sachem of that tribe, together with three other Mohawk chiefs, signed the deed, in behalf of their tribe, which was deemed to be a sufficient execution by the Mohawks. We shall see hereafter the part Hendrick acted, and learn the reasons, why he dissented from the body of his nation. As to the four, who added their signatures to the deed, in March subsequent to the date of it, they, by so doing, expressed their concurrence; and whether they are to be considered as proper parties to the deed, or not, they gave an unequivocal proof, that the conveyance was approved and ratified by them in their public capacity. Without them, the instrument was sufficient, being formed at a public national treaty; and their ratification certainly could not destroy or diminish its sufficiency. In their estimation, however, it was doubtless as proper and effectual, as if they had been expressly named in the premises of the deed. And I believe it will be so regarded by every impartial judge, who considers the circumstances of the case.

But it has been further objected, that this "deed was not executed in the open, public national manner, in which the Indians sell and transfer their lands." The objection is

vague, and may mean either, 1st, that an Indian conveyance ought to be made by the whole assembled nation, and not by sachems, as representatives of their nation; or, 2dly, that the signers of this particular deed were not proper sachems; or, 3dly, that there was too small a number of signers; or, 4thly, that the treaty was secret and clandestine. Some of these things, it is presumed, must be intended by the objection: for no other construction can be given to it. Let us see whether there is force in either of them. Col. Lydius, who had been much and long employed in Indian negotiations, and has left behind him the character of a very fair man, deposed, upon this subject, that "it has been the well known custom of the Indians, that their chiefs or sachems represent the bodies of their respective tribes, in all transactions respecting sales and conveyances of lands, and such conveyances have always been allowed and esteemed good and valid." The same is testified by the other deponents. This is a truth, which is also within the knowledge of hundreds and thousands of persons in the United States. Not only sales of land, but treaties of every kind, are performed by the sachems in their public character. I might cite fifty instances, if it were necessary, to prove the position. If such transactions are not obligatory on the several Indian nations, the United States can derive no legal security from their various Indian treaties. For those are founded on no higher authority. This deed then is not fairly objectionable on that ground.

If it be meant that the Indians, who signed this deed, were not sachems or persons properly authorized for that purpose; I answer, that they are proved by the depositions of the witnesses to be the "chiefs, sachems, or head men" of those nations. As they have no public offices, from which certificates can be procured, I know of no mode of establishing their official capacity, if this kind of evidence is not sufficient.

Perhaps the meaning of the objection is, that the deed has not signers enough. Before this, however, can prevail, it

must be shewn that a certain number are required; which is impossible. For, if the reader will take the trouble of examining the treaties, which our government have formed with various Indian nations, he will find they are executed by no certain established number. Several of them are signed by no more than three. A treaty was concluded, Oct. 22d, 1784, between the United States and these very Six Nations. It was signed, on our part, by three commissioners of the United States, and on the other, by twelve sachems; nobody has ever questioned its legality or propriety, for want of more signers. The sachems who signed the deed in question, were eighteen in number. A vast body, consisting of men, women and children, of all of the several nations, attended the treaty. But the business was negotiated and concluded in their behalf, by the chiefs. It appears also by the Rev. Mr. Kirkland's affidavit, that the Six Nations have, for the term of about thirty years, during which he has been conversant with them, freely acknowledged the same, as made by them properly and nationally, and as fully satisfactory to them. And if they were satisfied with it, as a public transaction, who has a right to complain? This long assent was a sufficient national ratification of the conveyance, if it needed to be ratified.

If the objectors mean to represent that the business was transacted secretly and clandestinely, or at a council not sufficiently public or numerous, they have no foundation in truth. On the contrary, it was as public as ever an Indian purchase was, or well could be. It had been in a train of negotiation a whole year, under the agency of the Hon. Timothy Woodbridge, Esq. of Massachusetts. At the time of its completion, a Congress was sitting at Albany, composed of commissioners from New-Hampshire, Massachusetts, Rhode-Island, Connecticut, New-York, Pennsylvania and Maryland, convened at the recommendation of the Crown, signified by the Lords of Trade and Plantations. The object of this Congress was "to renew the covenant chain with the Indians," and to concert some general measures of defence

against the encroachments of the French. The commissioners from Pennsylvania were John Penn, Isaac Norris, Richard Peters and Benjamin Franklin, the first of whom was himself a proprietary of one fourth part of the Penn estate, and afterwards, Gov. of that province. They were appointed and commissioned by the Governor, who had his appointment from the proprietaries. They were therefore virtually cloathed with the proprietary authority, as well as that of the government. The Six Nations were summoned to attend this Treaty by the Governor of New-York. They were also particularly invited by the Governor of Pennsylvania, and that for the express purpose of treating about land, as the reader will see in the sequel. It was perhaps the most public Indian treaty ever holden in this country. The Susquehannah negociation was known to the members of Congress, freely conversed of by them, and a common subject of conversation for weeks, to every body in Albany, who had curiosity enough to attend to such things; as can be testified by an honourable member of that Congress still living at Springfield in Massachusetts,^{14a} and probably by other surviving members. The same can be proved by the Rev. Gideon Hawley, now Missionary with the Marshpee Indians, as well as by hundreds of the present inhabitants of Albany. When the Indians received their money in Col. Lydius' troop, they carried it out in a blanket under a shade in the street, and there divided it into shares, amidst a crowd of men and boys, who assembled to view them. A Committee of Congress had been appointed, confisiting, I believe, of one member from each Colony, to draw up a report declaratory of the English or British right to the interior of the country, on which the French were encroaching. The report was accordingly made, and on the ninth day of July, it was unanimously adopted in Congress and directed to be transmitted to the several Colonies. It was so transmitted, and by order of the Governor and council of Pennsylvania, it was entered on their records. In that report are these words. "*The ancient Colonies of the*

^{14a} John Worthington; see the foreword and appendix.

Massachusetts Bay and Connecticut, were, by their respective Charters, made to extend to the said south sea." Here is an express declaration, of a most solemn nature, by the highest national authority then existing in North America, assented to by the Proprietaries of Pennsylvania, by their Representatives in that Congress, that Connecticut, by force of her Charter, in fact extended west of the Province of New-York, even to the south sea. This was at a time, when the Connecticut people were, and for twelve months had been, and were publicly known to have been, endeavouring to effect a purchase of the Susquehannah lands. Two days after, that is, on the eleventh of July, the purchase was concluded and the deed executed by the Indians openly, in the midst of Albany, within the verge of that Congress, and under the observation of the Proprietary Delegates, without one syllable of objection. What shadow of reason then is there for pretending that it was not done "in that open, public national manner in which the Indians usually sell and transfer their lands?

If this answer is not satisfactory, the objector is desired to look into the records of the Governor and Council of Pennsylvania, where he will find a "Letter or report from the Commissioners of Pennsylvania, sent to Albany in June 1754, to meet commissioners of the other Colonies, to treat with the Indians," in which they "report that on the fifth of July 1754, they sent to the Indians to meet them at their lodgings, to treat with them for lands, to make a purchase. The Indians met them. They informed them, that they had full power from the Proprietaries to hold such a treaty, and that agreeably to a message sent to the Six Nations from the Governor. A purchase was made, and a deed given July sixth 1754, to Thomas and Richard Penn, signed by five Indians. The bounds are, beginning at the Kittocktinny, or Blue Hills, on the west bank of the Susquehannah river, and thence by said river to a mile above the mouth of a certain creek called Kayanondinhigh, thence north west, as far as

the faid province of Pennsylvania extends, to its western line or boundary, thence along the said west line, to the south line or bounds of the faid province, thence by said south line or bounds to the south side of Kittocktinny hills, thence by the south side of faid hills to the place of beginning." This report is entered on record, by order of the Governor and council. Under the deed here mentioned, the Proprietaries and their affigns have always claimed the land therein described, which lies south of the Connecticut Purchase, and contains all the south western part of Pennsylvania. Surely after this the objectors will not have the face to condemn the Connecticut deed, for want of publicity in its execution; especially when they reflect that it was not the result of a single evening's negociation, but had been deliberated upon by the Indians a whole year; that it was not executed at the private lodgings of the agents, but publicly, in the day time, amidst the inhabitants of the city, who were spectators and witnessses; and was signed not by five Indians only, but by eighteen, who are known and testified to have been "chiefs, sachems, and head men" of the Six Nations.

NUMBER X.¹⁵ .

THOUGH the Commissioners of Pennsylvania, by joining in the report of Congress, acknowledged and declared the right of Connecticut to the land now in contest; and by seeing this purchase made at the same time, without objecting to it, virtually gave it their assent and sanction; yet the proprietaries, within a few months, began to plot against it, and attempt its overthrow. Some of the means, which they *descended* to use, for that purpose, will appear by the following extracts from the records of the Governor and Council of Pennsylvania.

¹⁵ *The Western Star*, August 30, 1796.

"IN COUNCIL, January 14, 1755.

"The following is ordered to be entered on the Records, viz.

"Extract from Mr. Weifer's* letters of the 16th and
27th of October, 1754.

"AS to the Connecticut affair, I am clear of opinion, that, by order of the Governor, you should write to Hendrick, putting him in mind of his promise he made to the Commissioners of this province in Albany, when he said he would come down to us, upon any occasion, to advise with the Governor, as in the presence of the most high—That the Governor wants to see him, in this critical time, about matters of moment. Daniel Clouie† might come with him. He knows the way by land. If Hendrick refuses to come, he may be suspected to have a hand in it; and we must then act by Shickalamy and Jonathan, and as secret as possible, otherwise Lydius, and that wicked priest at Conojoharry, will defeat our designs. I would advise, in the mean time, to have belts of wampum provided, and two or three large belts all black. You will want a couple to tend to the south before long, and one must be made use of to demolish Lydius' proceedings. Mr. Clouie must be ordered to keep every thing relating to this affair as a secret, and to search very diligently whether Henry had any hand in signing the deed to the Connecticut people. If he had not, we shall succeed, without doubt. He must have liberty to bring one or more Indians with him. If all wont do, and that Hendrick will not come, we must send to Onondago next spring." &c.

"Extract of a letter from Gov Morris, to Col. William Johnson, dated Nov. 15, 1754.

[After mentioning the Connecticut deed, he says,]

"If Hendrick can be prevailed on to come down, and should hear all these matters laid down properly before him, he would find out a method of laying the whole before the

*Conrad Weifer, a celebrated Indian negotiator, much employed by Penn, and long in his confidence.

†A reputed son of Col. Johnson, by an Indian woman.

Six Nations, and preventing the settlement of these lands. Should he be told beforehand, that this is the business he is sent for, he may decline coming. For this reason it is thought best not to mention a word of this matter to Hendrick; but in as much as when he took leave of the Pennsylvania Commissioners, he made this government a tender of his services, and declared in a solemn manner, that he would at any time come to Philadelphia, whenever the Governor should think necessary to send for him; to write a general letter, founded on this promise, and leave it to you to give him what impressions you please of this journey, and persuade him to take it immediately.

"The letter is inclosed in one to Mr. Clouse, who has directions to shew it to you, and to consult with you, how and when to deliver it, and what to say to Hendrick. If he should deliver it, of himself, to Hendrick, then he would probably come to consult you, and so you might, with great advantage, give your advice; but if you think otherwise, and that it is best for you to deliver it, this is left to you." &c.

"Extract of a letter to Hendrick Peters, a Mohock chief, from Robert H. Morris, Governor of Pennsylvania, 16th November, 1754."

[*After acquainting Hendrick that he is Governor of Pennsylvania, and has the command of the province, he says,*]

"Some matters of great moment to this Government, as well as to the Indians of the Six Nations, have lately fallen out, which makes it necessary for me to have a private conference with you, before I can proceed to give them notice of my arrival here."—[*He then reminds him of his promise to the Commissioners, when at Albany, that he would come, at the request of the Governor, to Philadelphia, and says,*]— "I now earnestly desire that you will favor me with a visit, in order to consult on some affairs, in which the safety of the Indians and his Majesty's Colonies are very much concerned, that cannot be done by message, but must be first

communicated to you by private conference. Wish you to come with all expediency. I cannot speak to the Six Nations, until I know your mind." &c.

*"Extract of a letter from Col. Johnson to Gov. Morris,
dated Dec. 9th, 1754.*

"Col. Johnson acknowledges the receipt of the Governour's letter of Nov. 15, 1754. States, that he sent and called Hendrick to his house—that he interpreted the letter to him or the invitation of the Governour—that he spoke to him on the affair, as far as he judged it necessary, and thinks it will have a good effect—that Hendrick has promised to use his endeavours for the proprietaries of the province against the connecticut attempt—that he has had much private discourse with Hendrick about that affair, and also about his present sentiments."

Hendrick and ten other Indians came to Philadelphia, in consequence of the invitation from the Governor.

* "IN COUNCIL, January 15, 1755.

"The council advised the Governor, that after thanking Hendrick and the Indians accompanying him, for this undertaking &c. to mention these several points, viz. to state sundry matters relative to the Grant of Pennsylvania, their deed from Governor Dungan, their deed, or promise of the right of pre-emption, 1736, &c. and lastly, of the deed to the Connecticut people from the Six Nations; that it is incumbent on them to represent this matter to the Government of Connecticut, and to insist that the deed be delivered up by Lydius, by order of that Government, as a fraud and imposition."

"Extract of Hendrick's Speech, January 15, 1755.

"We have considered what you said to us about the deceitful deed, which John Lydius inveigled some of us to sign. We agree with you, that the deed should be destroyed. We agree with you that it is a false proceeding. We will give

* This and some other extracts, appear to be entered on the records, by way of memorandum.

you our affiance; but you know that we cannot destroy the deed ourfelves. That would be another mistake. It would be to do as bad as they have done. It must be the act of the Council of the Six Nations. We will think of the proper means. We advise the Governor to fend for two Deputies from each, or of every nation, to meet here, or at Albany, to kindle a Council fire, to find out a way to oblige Connecticut to discountenance the deed." &c.

"IN COUNCIL, January 17, 1755.

"The Governor, Mr. Peters and Mr. Weifer, had many conferences with the Indians, in which it was confidered, what might be the proper methods for the Indians to take, in order to invalidate the deed of Lydius, &c. Among other things, it was propofed, that at the Council of Onondago, this affair fhould be mentioned, and Lydius's deed declared to be no deed of the Six Nations; and, to prevent this, and other like attempts, that it fhould be propofed by the Council of Onondago, to convey to the Proprietaries, by a formal deed, the lands lying within the Province of Pennfylvania, &c. The Indians confented to this, and engaged to confer with Col. Johnfon firft, and to fettle every thing with him; of which he fhould acquaint the Governor; and when the matter fhould be brought to effect, then Mr. Weifer and Mr. Peters might come to Col. Johnfon &c.

"*Extract of a letter from Gov. Morris to Col. Johnfon,
dated Philadelphia January 22, 1755.*

"SIR,

"I am favored with yours by Hendrick, and heartily thank you for the part you have been fo good as to take in the Connecticut affair. Hendrick has been very explicit on the fubject; and I have entertained him and his companions in the beft manner I could. You will give me leave to refer you to a letter you will receive with this, from Mr. Peters, for the particulars that have paffed here, and for the plan that we have agreed to profecute, to put an end to this affair;

in which I hope for the continuance of your friendly offices. You will observe we propose that the Six Nations should be invited to send Deputies to your house early in the spring, with full powers to treat and agree upon this matter, relative to the purchase of Lydius, and to prevent the like for the future, when I shall send Commissioners to meet them; and it will give me particular pleasure, if you will permit me to name you in the Commission."

*"Extract of a letter from Richard Peters to Col. Johnson,
dated January 23, 1755.*

"He [*speaking of Hendrick*] told me you had made him a hearty friend to this Province, and would join with and support him in any measures, which the Government of Pennsylvania should advise, to get rid of this Connecticut deed. I heartily thank you for this singular kindness. In consideration of this hearty concurrence of yours and the Mohawk, his Honor, the Governor, gave Hendrick a Belt, with a string of Wampum tied to it. By the belt he was asked to undertake, along with you, the breaking of the Connecticut deed. And for that purpose, and because there is no other way in the world to get rid of it, he was further desired to consider with you, what will be the best method to procure the meeting of a Council, at your house, as soon as possible, to consist of two or three deputies from each nation, and no more, in order to consult together of the most effectual manner how to do it. And by the string you are desired to convene such a Council.

"We further intimated to Hendrick, and now inform you, that to get rid of this deed, we cannot devise any other method, that will be effectual, unless the Six Nations in Council will execute a conveyance to the Proprietaries, of all the lands lying within their grant, on such conditions, and in such manner, as shall be agreed on at your house. And to shew the Indians and yourself their just intentions, they propose to name you one of the Commissioners, with Mr. Penn and myself.

"Hendrick seems to approve much of this proposal; and I believe the more you think of the matter, the more you will be persuaded that no other way can do the thing effectually. If it meets with your approbation, which I hope it will do, the Governor begs the favor of you to summon a Council, at your house, and leaves it to you to fix the time, and to take such measures with the Indians previous to the meeting, as you and Hendrick shall think proper. It is thought that more than three deputies need not come from any one nation; but that there should be three from each." &c.¹⁶

What further measures were then pursued, to effectuate this artful scheme, the writer does not know. Probably the war, which soon after broke out with the French, prevented its final accomplishment at that time. After the termination of that war, the Proprietaries at length obtained a deed from the Six Nations, dated at Fort Stanwix, Nov. 5th 1768. That this was in pursuance of the plan before delineated, is evident from the affidavit of the Rev. Jacob Johnfon, who "deploes and says, that some time in the month of November 1768, he was present at a treaty held at Fort Stanwix, with the Indians of the Six Nations, and that Sir William Johnfon, Superintendent of the Six Nations, John Penn Governor of Pennsylvania, Gov. Franklin of New-Jersey, Col. Elizur Fitch of Windham, and the Chief's of the Six Nations, Seguanathua, a Tuscarora chief, and cheif speaker, and many other persons were present—that the busines of the treaty was to settle a division line between the claims of the King and the Indians, and to distribute a donation sent by the King, as Sir William Johnfon informed the deponent by letter and expres—that this deponent was at that time a missionary to the Indians of the Six Nations, and resided at the Oneida Upper Castle—that Governor John Penn, at this time, by the agency of Sir William Johnfon, endeavored to obtain from the Indians a deed of the lands on the Susque-

¹⁶ *The Western Star*, August 30, 1796. The remainder of this number appeared in the issue of September 5, 1796.

hannah—that several private consultations were had with the said chiefs, from which this deponent was excluded, and that there was no agent present at said treaty to represent the State of Connecticut or the Susquehannah Company.—That this Deponent, during the treaty, was informed by several of the Indians present, that Governor Penn wanted the Indians present to give him a deed of the lands on the Susquehannah, and they replied that they had given the New-England white people a deed of the same lands, and had received their pay for the same, and could not sell the same again. But they said they had agreed to give Governor Penn a deed of the same land, because Sir William Johnson had told them that their former conveyance to the New-England white people was unlawful—that they had no right to purchase that land, which was within Penn's Charter, and Penn alone had the right of purchasing the same—that near the end of the treaty the deponent well recollects to have heard Seguanathua, chief speaker, in a public speech declare the same reasons as above-said for their selling the land a second time, which was publicly interpreted by Sir William Johnson."

Mr. Kirkland also in his affidavit, relative to this matter, deposeth, "that he attended the treaty with the five nations held at Fort Stanwix in the year 1768, for several of the last days of the treaty, and that on his arrival on the ground the Rev. Jacob Johnson, then a missionary to the Oneidas, told the deponent that he had been forbid by Sir William Johnson to sit in council with the Indians, and that Col. Butler and several others had given him the same information—that several Indian Chiefs told the deponent, at that time, that they had sold the Susquehannah land to the Pennsylvanians, and that they were finally induced to do it, by the council and advice of the commissioners urging that the Connecticut people had done wrong in coming over the line of Pennsylvania to buy land of the Indians—that it was, however, not effected without great difficulty. At the close of the business, the Indians were called upon to execute the

writings, which were not publicly read in the English language, but one of the Mohock chiefs gave a brief statement of their general purport in the Indian language; and the Deponent further saith, that one of the Christian Indians, of the Oneida nation, by name Theondinthia, or Thomas, some months after said Treaty, voluntarily and of his own mere motion told the deponent that some undue influence had been made use of, at said Treaty, respecting said land; that he himself, namely Thomas, had been the subject of this undue influence, and nine or ten more Indian chiefs were in the same predicament, and that he felt much troubled in his mind about it."

The exertions, to accomplish this favourite end, did not terminate here. The same artful and infidious plan was pursued still further. Conscious that the purchase at Fort Stanwix was radically defective, they resolved to make one more effort, to procure from the Indians a public disavowal of the Connecticut deed and an acknowledgement of their own. In 1775 a treaty was held at Albany, with those Indians, under the authority of Congress, by Messieurs Woolcot, Schuyler, Edwards, Francis and Dow, to explain to them the causes of the American war. Col. Francis was a Pennsylvanian, a claimant of large tracts of the contested land, a leader of the opposition to the Connecticut settlers and a principal agent of Penn. Notwithstanding the commissioners, by their interpreter had told the Indians that nothing was to be said or done at the treaty, concerning lands, yet Col. Francis, towards the close of it sent for Tegohagwanda and two other Onondago chiefs, to his lodgings at Mr. Bloodgood's, together with Thomas Fulmer, the Interpreter employed by the Commissioners. Mr. Fulmer, in his affidavit, sswears, that after some preliminary conversation about the Susquehannah lands, "Col. Francis said, Did you not sell those lands to the Pennsylvanians and receive a Beaver skin full of dollars for them? To this one of the chiefs made answer, and said, No, we sold them to the Westernlonians

(that is Boftoneans, the name by which the New-England Provinces were called among the Five Nations) and we received the beaver skin full of dollars from them. There was not any person present at this private meeting but Col. Francis, this deponent and the three Indian chiefs before named. At the close of this meeting Col. Francis enjoined it upon the Indians, and the deponent likewise, not to tell any one that he had said this to them about the Susquehannah lands." The said Fulmer, in another place, further swears, concerning this interview, "that they smok'd and discoursed together for some time, until the Indians appeared to this deponent to be considerably in liquor, when Col Francis told them Gov. Penn had requested him to ask the Onondagos, who had first bought the lands called Wywaymick, the said Gov. Penn, or the New-England people? that the said Indian chief thereupon answered, that he had heard, from his uncle, that Gov. Penn had bought the lands on the east side of the Susquehannah, and that he did not know whether the New-England people had bought any lands or not. That the said Col. Francis further asked the said Indian chief, if he did not know how many dollars Gov. Penn had paid at Fort Stanwix, for said lands? The said Indian answered that he had not seen all the money, yet he had heard that he paid 10,000 Dollars. That the said Col. Francis thereupon asked the said Indian whether he would on the following day, in the public conference, when the other busineſs was done, declare the same in public, but not mention his name? Which the said Indian promised to do. Whereupon Col. Francis told him, if he did that, he and Gov. Penn would make a present to the Onondago Indians. Which said discourse, at the request of the said Col. Francis, was interpreted between them by this deponent. That when the Indians left his lodgings, he presented them with a bottle of rum. And this deponent further saith that on the following day, in the public conference, the said Onondago chief made mention of the

fale of these lands; but this deponent hath understood from the other Indians that it was without their knowledge."

The Rev. Mr. Kirkland, in his affidavit, respecting this speech or declaration of the Indian chief, depofeth, that it was received with many marks of disapprobation and some degree of resentment expressed by many Indians, of the best character in said nation, faying it was entirely foreign to the busineſs of the treaty, and known beforehand only to a few individuals, and several Indians soon told the deponent, that upon their complaining to their chief speaker Tegohagwanda, and his chief Black Cap, of the impropriety of such a piece of conduct, at that time, they replied that the Indians were not to blame—that it originated wholly from the white people, and they were importuned and preſſed hard to make the speech. A few hours after Thomas Fulmer, Interpreter at said treaty, told the deponent that Col. Francis ſent for him to his lodgings, the evening before, and had a private conference with the Onondago chiefs, upon the ſubject, and prevailed upon them to make the speech."

This is a ſimple, and, as the writer thinks, a candid ſtatement of facts, which have fortunately, though moſt of them lately, come to the knowledge of the Connecticut claimants.¹⁷ Whether the whole of the dark intrigues employed on the occaſion, have yet come to light, the reader will judge, or rather conjecture. We are at liberty to remark upon ſuch only as are diſcovered and proved. And it is enough, that these are ferious, ſtubborn facts, which can neither be denied nor evaded. Volumes of plausible argument may be written, and magazines of ingenuity and eloquence exhausted, in vain attempts to juſtify, to excuse or explain them away. They will forever remain an indelible blot upon the Proprietary Indian purchase. If the reader has one ray of intellect in his head, or a particle of ſentiment in his heart, he is defired only to recal the emotions, which have been excited in his mind, by the bare perusal. No other comment will be neceſ-

¹⁷ *Supra*, note 3.

fary. None stronger would be possible. The secret machinations, the insidious arts, the gross impositions upon the easy credulity, ignorance, and mercenary pliability of the Indians, the palpable fraud, the undue influence and downright corruption, which are proved to have been practiced by Penn and his creatures, for the purpose of supplanting the Connecticut purchase and procuring and confirming their own; are sufficient to stamp invalidity upon any contract, and to consign the most formal transaction, not indeed to oblivion, but to eternal infamy. If Penn's purchase had been first and fairly made, still the one under Connecticut, would alone have been valid; since that colony had, by virtue of the earliest charter from the Crown, the sole and exclusive right of purchasing. Had the people of Connecticut and Mr. Penn been clothed with an equal right to purchase, even in that case, the purchase of the latter, being more than fourteen years after that of the former, with a full knowledge of it from the beginning, and with a direct intention to defeat it, though the purchasers were then in actual possession, would be adjudged fraudulent and void, both in law and equity. Surely then, as both of these fatal objections concur, it is doubly bad. Now, will the good sense of these enlightened times suffer it to receive an ultimate establishment, in opposition to an older, a bona fide, an exclusively rightful purchase? If so, it must be, and the world will finally acknowledge it to be, because the one is left to its own support alone, while the other is supported by wealth and power, and talents and influence. But I cannot entertain so degrading an opinion of American Judges and Juries, nor in general, of the country and the age, in which we live. In spite of every obstacle, the subject will certainly, sooner or later, be thoroughly investigated and understood, and truth and justice will at length prevail.

NUMBER XI.¹⁸

IN the course of this examination it has appeared, from incontrovertible documents, that all the right and title, which the King of Great-Britain and the native Indians ever had to the land in controversy, is vested in the Connecticut claimants. To these is added the right, which is derived from first possession. If we adopt the general doctrine of law, that entering upon and taking possession of a part of the land granted in a deed, or instrument of conveyance, is a legal possession of the whole, that is included in the grant; upon that principle, the first possession is indisputably theirs; for the colony of Connecticut were actually settled upon the eastern part of their grant, before the date of Penn's charter.¹⁹ Or, if we look for a more particular possession of the territory in dispute, we find it on the same side of the question. When the Connecticut purchasers entered upon the land, and began a formal and actual occupation, under their purchase, there was not a Pennsylvanian residing on the whole tract, nor a house or other building, except what belonged to the Indians.

¹⁸ *The Western Star*, September 19, 1796. This was the last of the serial numbers to appear in the newspaper. The remaining numbers were probably crowded out by a hotly-contested political campaign and a disputed election which absorbed much space in the paper. It may have been, also, that the enthusiasm and interest in the affairs of the Susquehanna Company that appeared in western Massachusetts in the spring and summer of 1796 was short-lived. The decision in the case of *Van Horne vs. Dorrance*, which Bidwell avoided discussing, may have been responsible for this apparent decline of interest.

¹⁹ This argument is also found in a letter from the learned Ezra Stiles to Pelatiah Webster, dated at Newport, May 21, 1763, being the first lengthy and studied defense of Connecticut's claim. It stated many of the legal and historical arguments that are found in the later pamphlets.

It will be remembered that Bidwell was a tutor at Yale under President Stiles, and no doubt discussed the affairs of the company with him. President Stiles was one of the early investors in the company. *Stiles' Folio Letters*, I, 232, Yale University Library.

The simple truth is, that at the date of Penn's charter, in 1681, the people of Connecticut were in possession, by virtue of their previous charter, of 1662; and when the Proprietary Indian Deed was given at Fort Stanwix, in 1768, the Susquehannah Company were in possession, by virtue of their Indian Deed, of 1754. So that the crown title, the Indian title, and the possessory title, are all fairly united in them; and the land is consequently theirs, upon every legal and equitable principle, unless something has intervened to break a link in this chain.

Before we proceed to an examination of the grounds of objection, on which the Pennsylvanian claimants rely, the reader may feel some curiosity to know how they entitle themselves to Penn's interest in the land. It is not sufficient, that they can deduce their title from the Commonwealth of Pennsylvania. The question still recurs, What right had the Commonwealth to Penn's proprietary estate? They cannot derive it from deed, a devise, or descent, or escheat. Nor were the proprietaries convicted of any crime, for which, by the law of the land, their estate was forfeited to government. But the Legislature, by a sovereign act of power, founded on reasons of state, because it was unfit, dangerous, and anti-republican, that individuals should hold such immense property in land, assumed it to themselves, and then undertook to grant it out to purchasers. This was one of the first fruits of the revolution. How far such an arbitrary assumption is defensible, on constitutional principles, as a measure of necessity or policy, I will not at present enquire. A case was lately tried in the Federal Circuit Court in Pennsylvania, in which the defendant founded his right to the land demanded, upon a law of that state, called the confirming or quieting act, under which he claimed, that the title was confirmed to him as a Connecticut settler. The Judge who presided at the trial, was of opinion, that the law was unconstitutional, because the Legislature have no authority to divest one citizen of his estate, against his will, and give it to another;

or, in other words, to transfer or decide the title of land. Whether there is any substantial difference in the governing principles of the two cases, is submitted to the consideration of judicial and political casuists.²⁰

Without dwelling any longer upon this point, the reader is invited to take a view of the reasons and objections alledged against the Connecticut charter title to the land in question.

1st.—It has been said, that the charter ought not to be so construed as to include the land in question, because of the immensity of country which would, by such a construction, be embraced within the charter limits.

To this it would be a sufficient answer, that we are not enquiring what the charter ought to have been, in point of policy and justice, but what in fact and law it really was. The motives of the King in giving it, or considerations respecting the original propriety or impropriety of the measure, cannot properly enter into the present question. If, however, it were proper or relevant to the point in issue before the public, it would not be a difficult task to satisfy any candid mind, that the quantity of land granted by this charter, according to our construction of it, was not disproportionately or unreasonably large, when considered as a grant to a whole colony, who have, in fact, populated perhaps a fourth part of the United States, and when compared with the tract granted by the charter of Penn, to a single individual. But

²⁰ Obviously referring to the case of *Van Horne vs. Dorrance*. The part of Judge Paterson's remarks to the jury pertinent to the confirming law of Pennsylvania, is as follows: "I take it to be a clear position, that if a legislative act oppugns a constitutional principle, the former must give way, and be rejected on the score of repugnance * * * In short, gentlemen, the confirming act is void, it never had constitutional existence; it is a dead letter, and of no more virtue or avail, than if it had never been made." *The Charge of Judge Paterson to the Jury, in the case of Vanhorne's lessee against Dorrance*, Philadelphia, 1796, 10-28.

The careful omission by Bidwell of any discussion of this case lends color to the supposition that he was directly interested in the affairs of the company, or was writing for purposes of propaganda. There can hardly be any doubt that he was familiar with the case.

reasons of mere expediency were not the standard of the grant. Nor did King Charles probably consider himself at liberty to exercise his discretion, in regard to the magnitude of it; but as the colony had purchased the land, for a valuable consideration, upon terms of price and payment, agreed upon between them and the assigns of the Plymouth Council, to whom his ancestor had granted it; he accordingly issued a confirmatory grant commensurate with the purchase.

2ndly.—It has been urged that the charter gives no title west of New-York, because of the interjacency of another province.

The reader must have more sagacity than I possess, to perceive any force in this objection. Compare this to a more familiar instance. Suppose A. gives B. a deed of a certain lot or tract of land, a mile long, or of any length you please, excepting out of the conveyance, the possession of C. which runs across the lot. Does the interjacency of C's possession prevent the farther end of the lot from passing by the deed? Or is it a sufficient reason, why B. should not hold and enjoy it? If not, I ask, where is the difference between the two cases? I can see none. That a right of property, and of government too, may exist and be exercised, notwithstanding the intervention of another state, is proved by the example of Massachusetts, which is intersected by New-Hampshire. The intermediate situation of New-York, between the eastern and western parts of the Connecticut grant, was, to be sure, an inconvenience, but it by no means rendered the conveyance of the soil in either part, illegal or impossible.

3rdly.—It has been said, by way of objection, that in the time of Charles the Second, the geography of this country was but little understood, and the breadth of the continent unknown, and that the king was mistaken and deceived, when he used such general words in the charter, as, if construed strictly, would convey an extent of three thousand miles.

To this I answer, that if the king had been ignorant, mis-

taken, and deceived, as to the extent of the grant, that circumstance would not vitiate it, or found a right of annulling or even restricting it, unless deception and fraud had been practiced by the grantees in obtaining it. And even then, a Scire Facias, or some proper mode of inquest, would be necessary, to establish the fact, before the grant could be nullified or reduced. The King has no right to reverse a grant, in whole or in part, by a mere arbitrary act of sovereign will and pleasure, without any judicial enquiry. In the present case, however, it was never pretended, that the grantees were guilty of any misrepresentation or fraud; nor was any suit instituted, or any kind of process issued against them, on any such charge, or on account of the extent of the grant. The King does not appear to have been ever dissatisfied with this charter. In its extension westward to the South Sea, it was conformable to the spirit and the very words of other charters of an earlier date, to which the grantees of this were not parties or privies. Nor, in deed, was the Crown so ignorant as has been represented, respecting the geography of this continent. Various inland discoveries had been made and published. Both the eastern and western shores had been coasted, and charts and longitudinal calculations formed. As early as 1579, Sir Francis Drake explored the coast of California, or Nova-Albion, as he called it, took possession of the country, in the latitude of New-England, received a formal surrender of it, from the natives, in behalf of his Queen, and erected a pillar with inscriptions, as a memorial of British dominion and possession. In addition to all this, the Plymouth Company, after their grant to the Earl of Warwick, and before the charter to Connecticut, that is, in 1635, made a final and formal surrender of their charter to the Crown, in which they mention it in these words, "*Our grant from east to west, through all the main land from sea to sea, being near about three thousand miles.*" So that the King had pretty accurate information of the eastern and western

extent of this tract, which was carved out of that before given to the Plymouth Company.

It is true there were no data, from which he could, without an experimental survey, know the exact latitude of the southern boundary of Connecticut. Hence, probably, arose the fatal mistake. For, when he afterwards extended Penn's charter northward to the forty-third degree of latitude, we have no reason to suppose that it was known, that it would interfere with the charter limits of Connecticut. Had that been known, an inference would doubtless have been avoided. The King would not knowingly have twice granted the same land. It was contrary to his maxims, and intentional practice. It was opposed to the decisions of his judges and concil. Hence we see, that the grant to Penn, instead of that to Connecticut, was founded on the King's ignorance and deception, or rather mistake, as to the geography of the premises. If either, therefore, is to be avoided, for such a cause, it must certainly be the last.

4thly.—It has been objected, that the long silence and non-claim of Connecticut, as to the western lands, are a waiver of their charter right, or rather an evidence of their want of such a right.

I deny that the want of possession, or the dormancy of a claim, is ever, in law or equity, a bar to the lawful right to any land, unless in the case of an adversary possession. No such possession existed, with regard to the lands in dispute. Indeed the first possession there, both constructive and actual, was under Connecticut. Probably the truth is, that for near a century, after the dates of their charters, it was not known that they interfered at all. And it has been well observed, that the acquiescence of Connecticut, under the grant of Penn, is of no more force than that of the proprietaries under the grant of Connecticut, and can have little or no weight on either side; since, till lately, the Indians refused to give up the country to either, and neither party can be considered as having suffered their claim to lie culpably dormant, under

the particular circumstances of the case, and the situation of the country; and especially this cannot be imputed to Connecticut, whose grant was expressly for the purpose of settlement, but without limitation of time; and they had not, until about the date of the Susquehannah Purchase, settled the country to the eastward of New-York, and consequently could not, upon any proper grounds, sooner pursue their claim, or attend to the settlement of this western part of their grant.

NUMBER XII.

WE have considered four of the objections to the Connecticut Charter title to the land in question. The fifth I will state in the words of Governor Penn himself. He says, "The uncertainty in the bounds and extent of the Connecticut Charter, as well as of other of the New-England grants, occasioned a royal commission to issue, so early as within two years after the date of that charter, for the declared purpose of settling the bounds and limits of their several charters and jurisdictions; in consequence of which, a north-north-west line, drawn from Mamaroneck river to the line of Massachusetts, was declared, and expressly fixed and established to be the western bounds of the colony of Connecticut, which boundary was then solemnly assented to, ratified and confirmed, by the Governor and Commissioners of the colony."

This is an important point in the case. In fact it appears to be the ground principally relied on by the Pennfylvanian claimants. One of them has said, "The Connecticut claim here received a death blow." I hope, therefore, the reader will have the patience to attend very carefully to the origin and progress of this settlement of boundaries.

In the seventh number of this enquiry, the plantations of the Dutch and Swedes, on Hudson's and Delaware rivers, were mentioned. Their eastern limits were not exactly known

or defined. But the country as far as Connecticut River was claimed by the Dutch. Territorial disputes arose, at an early day, between them and the English of New-Haven and Connecticut, before those two jurisdictions were united. Mutual accusations and recriminations took place. For the amicable adjustment of which disputes, a negotiation was proposed, which terminated in the following

"Articles of agreement, made and concluded at Hartford, upon Connecticut river, Sept. 19th, 1650, betwixt the delegates of the honoured Commissioners of the United Colonies, and the delegates of Peter Stuyvifant, Governor of New-Netherlands.

"1st. Upon a serious consideration of the differences and grievances propounded by the two English colonies of Connecticut and New-Haven, and the answer made by the honored Dutch Governor, Peter Stuyvifant, Esq. according to the trust and power committed to us, as arbitrators or delegates betwixt said parties, we find that most of the offences or grievances, were things done in the time, or by the order and command of Monfieur Kieft, the former Governor; and that the present honorable Governor is not duly prepared to make answer to them; we therefore think meet to respite the full consideration and judgment concerning them, till the present Governor may acquaint the States and West-India Company with the particulars, that so, due reparation may accordingly be made.

"Concerning the bounds and limits betwixt the English United Colonies, and the Dutch province of New-Netherlands, we agree as followeth.

"1st.—That upon Long-Island, a line run from the westernmost part of Oyster-Bay, and so a straight and direct line, to the sea, shall be the bounds betwixt the English and the Dutch there, the easterly part to belong to the English, and the westernmost part to the Dutch.

"2dly.—The bounds upon the main to begin at the west side of Greenwich-Bay, being about four miles from Stam-

ford, and so to run a northerly line, twenty miles up into the country; and after, as it shall be agreed by the two governments of the Dutch and New-Haven, provided the said line come not within ten miles of Hudson's river. And it is agreed that the Dutch shall not, at any time hereafter, build any house or habitation within six miles of said line. The inhabitants of Greenwich to remain, (till further consideration thereof be had) under the government of the Dutch."

"3dly.—The Dutch shall hold and enjoy all the lands in Hartford, that they are actually possessed of, known and set out by certain marks and bounds, and all the remainder of the said land, on both sides Connecticut, to be and remain to the English there.

"And it is agreed, that the aforesaid bounds and limits, both upon the islands and main, shall be observed and kept inviolable, both by the English of the United Colonies, and all the Dutch nation, without any encroachment or molestation, until a full and final determination be agreed upon in Europe, by mutual consent of the two States of England and Holland.

"And in testimony of our joint consent to the several foregoing conclusions, we have hereunto set our hands, the 19th day of September, Anno Dom. 1650.

"SIMON BRADSTREET," &c.

This agreement does not appear to have been ratified, or the terms of it satisfactorily observed. New difficulties succeeded; new complaints were made, and new claims advanced. In this state, matters continued till the charter of 1662, which comprehended both the New-Haven and Connecticut Plantations, and until the conquest of the Dutch in 1664. Their territory, with all its appendages, had been transferred to the Duke of York, by a royal patent or charter, dated March 12th, 1664. On the twenty-fifth day of April, a commission had been given to Col. Richard Nichols, to dispossess the Dutch, and put the Duke in possession, which the Col. accom-

plished in August; whereupon it became necessary to settle the extent of the Dutch plantations eastward, and thereby to ascertain the divisionary bounds of the Duke's patent and the patent of Connecticut. For the last mentioned being the earliest, the other could not effectually convey any part of what was before conveyed from the Crown. Though the Duke's charter contained, within its premises, all the land between Connecticut River and the Delaware, yet the colony contended that a part of the land thus granted to him, was theirs by their older charter. But how much of it was vested in them, so as not to pass to him, or, in other words, where the divisionary line ought to be, was still an unsettled question, the former settlement not being satisfactory or conclusive. Here was a direct interference between the Dutch claim, to which the Duke had now succeeded, and that of the colony. Each party insisted on Long-Island, and the tract between Connecticut River and a line a few miles east of Hudson's River.

As the colony had now a Prince of the blood royal, the King's brother, and the presumptive heir of the Crown, to contend with, it became a serious object with them, to obtain as early and as favorable an adjustment of the line as possible. Commissioners had come over with the following commission.

"Charles the second, by the grace of God, King of England, &c. To all, to whom these presents shall come, greeting. Whereas we have received several addresses from our subjects of several colonies of New-England, all full of duty and affection, and expressions of loyalty and allegiance to us, with their humble desires to us, that we would renew their several charters, and receive them into our favorable opinion and protection: and several of our colonies and other, our loving subjects, have likewise complained of differences and disputes, arisen upon the limits and bounds of their several charters and jurisdictions, whereby unneighborly, and unbrotherly contentions have and may arise, to the damage and discredit of the English interest; and that all our good sub-

jects residing there, and being planters within the several colonies, do not enjoy the liberties and privileges granted unto them by our several charters, upon confidence and assurance of which they transported themselves and their estates into these parts; and we having received some addresses from the great men and natives of those countries, in which they complain of breach of faith, and acts of violence and injustice, which they have been forced to undergo from our subjects, whereby not only our government is traduced, but the reputation and credit of the Christian Religion brought into prejudice and reproach, with the Gentiles and inhabitants of those countries, who know not God, the reduction of whom to the true knowledge and fear of God, is the most worthy and glorious end of these plantations: Upon all which motives, and as an evidence of our fatherly affection towards all our subjects of those several colonies of New-England, that is to say, of the Maffachusetts, Connecticut, New-Plymouth, Rhode-Island, and Providence Plantations, and all other plantations, which are in that tract of land, known under the appellation of New-England; and to the end that we may be fully informed of the state and condition of our good subjects there, that so we may the better know how to contribute to the further improvement of their happiness and prosperity:

Know ye, therefore, that we, reposing special trust and confidence in the fidelity, wisdom and circumspection of our trusty and well-beloved Col. Richard Nicholls, Sir Rofwell Carr, Knight, George Cartwright, Esq. and Samuel Maverick, Esq. of our special grace, certain knowledge, and mere motion, have made, ordained, constituted and appointed, and do, by these presents, make, ordain, constitute and appoint the said Col. Richard Nicholls, Sir Rofwell Carr, Knight, George Cartwright, and Samuel Maverick, Esquires, our Commissioners, and do hereby give and grant unto them, and any three or two of them, or the survivors of them (of whom we will that the said Col. Richard Nicholls, during his life, shall

always be one, and upon equal division of opinions, to have the casting and decisive vote) in our name, to visit all and every the several colonies aforesaid, and also full power to hear and receive, and to examine and determine all complaints and appeals, in all causes and matters, as well military as criminal and civil, and to proceed in all things for the providing for and settling the peace and security of the said country, according to their good and sound discretion, as to such instructions as they, or the survivors of them, have, or shall, from time to time, receive from us in that behalf, and from time to time, as they find expedient, to certify us or our privy council, of their actings and proceedings, touching the premises, and for the doing thereof, or any other matter or thing, relating thereto, these presents, or the enrollment thereof, shall be unto them, and every of them, a sufficient warrant and discharge on that behalf. In witness whereof, we have caused these our letters, to be made patents. Given at the Court at Whitehall, the 26th day of April, 1664, and in the sixteenth year of our reign.

“BARKER.”

These Commissioners brought the following letter from the King, to the Governor and Company of the colony of Connecticut.

“CHARLE R.

“Truly and well beloved, we greet you well, having according to the resolution we declared to Mr. John Winthrop, at the time when we renewed your charter, now sent these persons of known abilities and affection to us, that is to say, Col. Richard Nicholls, &c. our Commissioners, to visit these our several colonies and plantations, in New-England, to the end that we may be the better informed of the state and welfare of our good subjects, whose prosperity is very dear to us. We can make no question but that they shall find that reception from you, which may testify your respect to us, from whom they are sent for your good. We need not tell

you how careful we are of your liberties and privileges, whether ecclesiastical or civil, which we will not suffer to be violated in the least degree; and that they may not be is the principal busines of our said Commissioners, as likewise to take care that the bounds and jurisdiction of our several colonies there, may be clearly agreed upon; that every one may enjoy what of right belongeth unto them, without strife or contention; and especially that the natives of that country, who are willing to live peaceable and neighbourly with our English subjects, may receive such justice and civil treatment from them as may make them the more in love with their religion and manners; so, not doubting of your full compliance and submision to our desire, we bid you farewell. Given at our Court, at Whitehall, the 23d day of April, 1664, in the 16th year of our reign. By his Majesty's command.

“HENRY BENNETT.”

Though the controversy respecting boundaries between Connecticut and the territories of the Duke, formerly those of the Dutch, do not appear to have been a particular object of the busines entrusted to the Commissioners; yet the colony, wishing to bring to an issue, that dispute, which had so long subsisted, appointed agents to wait on the Commissioners. Their appointment or commission is as follows:

“At a General Assembly of the Colony of Connecticut, held-en at Hartford, Oct. 13, 1664.

“Mr. Allen, senior (or junior) Mr. Gold, Mr. Richards and Capt. Winthrop are desired to accompany the Governor to New-York, to congratulate his Majesty's honorable Commissioners, and if an opportunity offers itself, that they can *issue the bounds between the Duke's patent and ours* (so as in their judgment may be for the satisfaction of the Court) they are empowered to attend the same. Mr. Howell and Capt. Young are desired to attend the same service.”

The result will appear by the following

“Determination of his Majesty’s Commissioners, respecting the boundaries of his Royal Highness the Duke of York’s patent and the colony of Connecticut.

“By virtue of his Majesty’s Commission, we have heard the differences about the bounds of the patents granted to his Royal Highness the Duke of York, and his Majesty’s colony of Connecticut; and, having deliberately considered all the reasons alledged by Mr. Allen, Secretary, Mr. Gold, Mr. Richards, and Capt. Winthrop, appointed by the assembly held at Hartford, the 13th day of October, 1664, to accompany John Winthrop, Esq. Governor of his Majesty’s colony of Connecticut, to New-York, and by Mr. Howell and Capt. Young, of Long-Island, why the said Long-Island should be under the government of Connecticut; which are too long here to be recited; We do declare and order, that the southern bounds of his Majesty’s colony of Connecticut is the sea; and that Long-Island is to be under the government of his Royal Highness the Duke of York; as is expressed by plain words in the said patents respectively. And also by virtue of his Majesty’s commission, and by the consent of both the Governor and the gentlemen abovenamed, we also order and declare, that the creek or river called Mamaroneck, which is reputed to be about twelve miles to the east of West-Chester, and a line drawn from the east point or side where the fresh water falls into the salt, at high-watermark, north-north-west to the line of Massachusetts, be the western bounds of the said colony of Connecticut, and the plantations lying westward of that creek and line so drawn, to be under his Royal Highness’ government; and all plantations lying eastward of that creek and line to be under the government of Connecticut. Given under our hands at Fort James, in New-York, on Manhattan’s Island, this 30th day of Nov. 1664.

“RICHARD NICHOLS,” &c.

The assent of the agents was expressed as follows, viz.

“We underwritten, on behalf of the colony of Connecticut,

have assented unto this determination of his Majesty's Commissioners, in relation to the bounds and limits of his Royal Highness the Duke's patent, and the patent of Connecticut.

"JOHN WINTHROP, &c.

"November 30, 1664."

The plantation of New-Haven, though included in the charter to Connecticut, had nevertheless maintained their own separate government, and refused to join with the other colony, until after this determination of his Majesty's Commissioners: so that they were not as yet parties to the settlement. After much correspondence and negotiation, however, they concluded to unite under the charter; and accordingly, on the fifth of January, 1665, communicated their final acquiescence, in a letter in which (among other things not directly pertinent to this point) they say, "We now signify, that having seen the copy of his Majesty's Commissioners' determination (*deciding the bounds betwixt his Highness the Duke of York, and Connecticut Charter*) we do declare submission thereunto."

On the 30th of June, 1673, New-York and its territories was recovered by the Dutch, and their government was again revived and continued till 1674. On a treaty of peace, signed at Westminster, Feb. 1674, the English government was restored, and June 29th the Duke of York received a new or confirmatory patent, of the same lands and territories, in the same words, with his former, before stated, differing only in the date. In 1683, further negotiations took place upon this subject, as may be seen by the following entries on the records of the General Assembly of Connecticut.

"At a General Court holden at Hartford, Nov. 14, 1683,
by special order of the Governor.

"The Governor informed the Court, that it might be necessary, seeing that Col. Dungan was erected to the government of New-York, that some gentlemen might be appointed to congratulate his safe arrival, and entrance into the govern-

ment of his Royal Highness' territories in these parts, as also that there seemed to be a dissatisfaction taken by the Hon. Col. Dungan, about the settlement of the line between his Majesty's colony of Connecticut, and his Royal Highness' colony of New-York, made by his Majesty's honorable Commissioners; and desired the Court to consider the same, and give advice what was to be done," &c.

It was judged convenient by the court, that committee be chosen and empowered by this Court, to attend the premises, as soon as may be, according to such commission and instruction, as they shall receive from this Court.

"This Court made choice of the Governor, Major Nathan Gould, Captain John Allyn, and Mr. William Pitkin, to attend the service aforesaid." Their commission or instructions were as follows.

"To the honorable Robert Treat, the Governor, Maj. Nathan Gould and Capt. John Allyn, Esq. Affiliants, and Mr. William Pitkin, Gentleman, the General Assembly of this present session, Nov. 14, 1683, do nominate, commissionate and empower you, &c. &c. to take the first opportunity to travel to New-York, to visit Governor Dungan, to congratulate him, to manifest to him this Court's grateful sentiments of his honor's profession, by his letters, of his desire to be in good amity with us—to endeavour to settle a good and neighbourly correspondence with him, &c.—that as the Governor was not satisfied with the former stated bounds, and had moved for a treaty of settlement, to treat with him, and if you should see reason to vary from the former, you are authorized to agree with the Governor, and those he should appoint, &c. the agreement to be approved of by his Majesty, &c. that the bounds should not exceed 20 miles east of Hudson's river—the agreement to be conditional, and of no force, unless ratified by his Royal Highness and his Majesty.—You are to endeavor to hold the bounds at Mamaroneck—that if any land, within any township, was granted, the lands to be referred to the proprietors, though as to the jurisdiction, they

beelong to his Royal Highnes.—To endeavour that the former line shall take place, unleſs nearer to Hudfon's river; then ſuch a diſtance as can be agreed on—you are to remember all along to make his honor fenſible how firm and legal the former ſettlement was, that our varying from it is to oblige his honor, and promote a perpetual good correfpondence between his Maſteſty's colony, and his Royal Highnes' territories, and the ſucceſſive governors of them both, &c."

An agreement was made as follows, viz.

"At a council held at Fort James, in New-York, the 23d Nov. 1683, certain articles concluded upon between Col. Thomas Dungan, Governor of that Province, on the one fide, and Robert Treat, Esq. Governor of the colony of Connecticut, Maj. Nathan Gould, Capt. John Allyn, Secretary, and Mr. William Pitkin, in commission with him from Connecticut, on the other fide; Wherein it is agreed, that the bounds, metes and dividend, between his Royal Highnes' territories or province, in America, and the colony of Connecticut, for ever hereafter, ſhall begin at a certain brook or river, called Byram brook or river, which is between the towns of Rye and Greenwich, at a point called Lyon's point, the eastern point of Byram river, from thence to go as the river runs," &c.

"Surveyors to be appointed from each government to run the beforementioned lines and bounds, between his Royal Highnes' government of New-York and the colony of Connecticut, &c. And if it pleafe the King's Maſteſty and his Royal Highnes, to accept and confirm theſe articles, they ſhall be good to all intents forever, between his Royal Highnes, his heirs and affigns, and the corporation of Connecticut, and their ſucceſſors."

A ſurvey was made, agreeably to the foregoing ſettlement, and reported Oct. 10, 1684, and ratified by Governors Dungan and Treat. Upon an ex parte application on the part of New-York, in 1700 King William approved and confirmed the ſaid agreement.

In 1722, an act was passed at New-York, for running and ascertaining the lines of partition and division between the province and colony.

April 29th, 1725, articles of agreement were entered into by commissioners of New-York and Connecticut, respecting running out the partition line.

At a general assembly, holden at New-Haven, &c. on the second Thursday of October, 1730, an act was passed to establish the lines of partition, as agreed upon and surveyed. Among other things, it is enacted, "that the said lines shall be and remain the partition lines between the colony of Connecticut and the colony of New-York, forever."

Thus the tedious dispute was at length brought to a final close.

The reader being presented with a particular statement of all the requisite facts and documents, is now prepared to judge whether any thing in this whole transaction, can operate as a bar of the Connecticut claim to the Susquehannah lands. What conclusion does the mind naturally draw, from all these premises? Is it not this, that the settlement in 1650, by the arbitration of the Commissioners of the United Colonies; that in 1664, through the intervention of the royal Commissioners; that in 1683, and all the succeeding settlements, were only different adjustments of the same dispute, and respected merely the divisionary line between New-Netherlands, afterwards New-York, and Connecticut, without the remotest relation to the question whether the charter gave Connecticut any lands west of the Delaware?

If the determination of 1664 bars the right of Connecticut to the western lands, its validity must be founded, either upon the authority of the Commissioners, derived from the Crown, or upon the consent of Connecticut expressed by her agents. Let us examine the amount of each. The Commissioners had no authority to reduce the limits of the charter. 1st. The King could give them no such power; for he had none himself, especially after having solemnly stipulated, in this char-

ter, that it should be good and effectual in law, to all intents and purposes whatever, and receive such construction, as should be most favourable to the grantees. A charter is sacred and inviolable in its nature. It is not an act, which may be reversed as pleasure; but a solemn compact, to which there are two parties, whose joint consent is necessary to the revocation or alteration of it. The royal or rather ministerial attempts to alter and abridge the colonial charters were considered illegal and unconstitutional stretches of prerogative. The American revolution, occasioned by them, is a standing memorial of the light in which they ought to be viewed. 2dly. The commission to Nichols and others, imports no such authority. The objects of the commission are expressed in the preamble. So far as relates to this point, they appear to be certain complaints that there were differences about interfering claims of limits, by reason whereof all the colonies did not enjoy the liberties and privileges granted to them by their several charters, "upon confidence and assurance of which, they transported themselves and their estates into these parts." Here it is plain, that the intent of this commission was not to give or take away, not to enlarge or curtail, any charter rights; but only to adjust the existing disputes about such rights, and to see that every one enjoyed his own peaceably and fully. 3dly. This is made, if possible, still more evident, by the letter, which the Commissioners brought over from the King to the colony of Connecticut, in which his Majesty says, "Your liberties and privileges we will not suffer to be violated in the least degree; and that they may not be, is the principal busineſſ of our faid Commissioners, as likewise to take care that the bounds and jurisdictions of our several colonies there, may be more clearly agreed upon; that every man may enjoy what of right belongeth to them, without strife or contention." Their authority, we see, extended only to the protection of charter rights, and the adjustment of disputes, respecting such rights. Now there were, in fact, no opposite or adversary claims, as to the western land,

covered by the Connecticut charter. No foreign nation had any pretensions to it. The Duke did not and could not claim it, the Delaware being expressly made his western limit. The King advanced no claim to it, and gave no intimation that he was dissatisfied with his own grant of it to Connecticut. In short, there was no manner of dispute or contention about it. The Commissioners, therefore, according to the tenor of their commission, had nothing in the world to do or determine respecting it. If they did undertake to decide with regard to it, and to reduce the Connecticut grant, they exceeded their jurisdiction; and their acts, so far forth, were consequently void, unless sanctioned by the consent of Connecticut. Let us, then, see how far the colony consented. The Hartford or Connecticut plantation, which then acted by itself, expressed their assent by their agents, which could bind the colony no farther than these agents were authorized. A stream cannot rise higher than its fountain. The acts of agents must be so construed, as to be consistent with their commission; for beyond that they are of no force. Now the whole amount of power delegated in this case, was merely "*to issue the bounds between the Duke's Patent, and that of the Colony.*" As to the question, whether the charter did, or did not, give a title to the land west of the Duke's patent, that is, west of the Delaware River, the agents had not the smallest particle of authority to agree or to treat. The assent of the colony, therefore, is confined solely to issuing the bounds between New-York and Connecticut, that is, to settling the partitionary line. The same limitation qualified the assent of the New-Haven jurisdiction, when they acceded to the united government, and to this settlement. They say, "*Having seen a copy of his Majesty's Commissioners' determination, (deciding the bounds betwixt his Highness, the Duke of York, and Connecticut Charter) we do declare submission thereunto.*"

Now can it be pretended, with any colour of reason, that this amounts to either a surrender of the land west of the

Delaware to the Crown, or a transfer of it to the Duke, or an authoritative determination, that no such land was included within the charter of 1662? Had these documents been well attended to, I am perswaded no man, in his senses, would ever have contended for such a wild and monstrous conclusion.

The determination itself, taken altogether, neither expresses nor implies any such thing. In the first place, nothing is expressed with regard to the western land. It is not so much as mentioned. And surely a positive grant, which was to be reputed and construed in the most favorable sense for the grantees, was not to be taken away by doubtful construction and implication. Secondly—The subject matter, which is easily learned from the circumstances of the times, is also stated in the preamble, or recital of the instrument of determination, in which the Commissioners say, “We have heard the differences about the bounds of the patents granted to his Royal Highness, the Duke of York, and his Majesty’s colony of Connecticut.” &c. What they heard, and undertook to determine, was evidently nothing more or less than the disputes existing between the Duke (who had now succeeded to the Dutch claims and pretensions) and Connecticut, respecting the bounds of their patents. These disputes, which appear to be all that was submitted to them, had no reference to any land, to which the Duke made no claim. The only interfering claims respected the land which was included in the Duke’s patent, as well as that of Connecticut. Unless the determination, therefore, is to operate upon a subject not submitted, or heard, it can have no effect, but upon Long-Island, and the land between Hudson and Connecticut Rivers.

If this settlement is to be viewed in the light of a judicial adjudication, or award of arbitrators, it was only of a controversy, or controversies, subsisting between the Duke and the colony. They were the only parties, and were present by their respective representatives. If we consider it rather as an agreement, it was still between the same, and no other

parties. And can a judgment, or an agreement between any two parties, respecting their mutual demands, be conclusive, as to the claims or disputes, which may then exist, or afterwards arise, between either of them and another party? Common sense and common law, answer in the negative.

Though the terms "Western bounds of the colony of Connecticut," are used in the report, they are certainly to be understood with reference to the subject matter about which they are so used, and in connection with the whole instrument. They are explained and limited by the words, which immediately follow—"And the plantations lying westward of that creek and line, so drawn, to be under his Royal Highness's government, and all plantations lying eastward of that creek and line, to be under the government of Connecticut." How far eastward is the country here adjudged to Connecticut? The expression is not limited, unless it be by the limits of the commissioner's authority, or the subject of this their determination. Could Connecticut, by virtue of it, claim Rhode Island, for example, because it lies eastward of that creek and line, though it was not within the submision? Or, to take an instance exactly in point, could this determination be pleaded in bar against the claim of the Duke to the tract of country at St. Croix, or Nantucket, or Martha's Vineyard, which was granted to him by his charter, because that tract is situated eastward of the line here specified? If not, then neither can the expression "western bounds of the colony of Connecticut," be a bar to the claim of Connecticut to land lying west of the Duke's patent, and covered by their charter. This conclusion appears, to my mind, to be irrefutable. The whole determination must be interpreted in the same limited or unlimited sense.

Besides, if the Duke of York was, by this determination, barred from claiming the plantations granted in his patent, and lying east of the Connecticut charter, they surely were not hereby released or surrendered to the Crown, so as to authorize a new grant of them; but were transferred or con-

firmed to Connecticut. So, also, if Connecticut was hereby divested of the land west of Delaware River, it was not surrendered to the King, for he was not a party to the settlement, but transferred to the Duke of York, who was a party; and his successors, the present state of New-York, and not Penn and his assigns, are now entitled to it.

But the only true, natural, and legal construction of the settlement, is, that it was, and was understood and intended to be, co-extensive with the dispute submitted, which was relative merely to Long-Island, and the tract of country east of Hudson's River and west of Connecticut River; or, if viewed in the utmost extent, east of Delaware, and west of Narragansett, beyond which the claims of the two parties did not, and could not interfere. Mamaroneck creek, and a north-north-west line drawn from thence to Massachusetts, was determined and consented to be the line of division, that is, the eastern bounds of New-York, and the western bounds of Connecticut, as to the controverted territory, so much of which as lay east of that line, was to be considered as belonging to that colony, and so much of it as lay west, to the Duke, and that according to the true intent of the two charters taken together. As to Nantucket, Martha's Vineyard, St. Croix, or any plantation or place, which lay east of the claim of Connecticut, this determination has no operation, notwithstanding the generality of the phrase, that "all plantations eastward of that line were to be under Connecticut." With regard to those plantations, the Duke's claim was left, to be afterwards controverted and decided on its original merits. So, likewise, notwithstanding the generality of the phrase, "the western bounds of the colony of Connecticut," any lands west of the Duke's claim, and within the limits of the Connecticut charter, were entirely out of this determination, and the title to them consequently was left to be disputed and determined, upon its own original merits.

This is the sense in which a Judge or a Juror, a Lawyer or a man unacquainted with law, would understand it. For the

truth of the remark, I appeal to the candid reader; and would confidently risk the whole controversy upon the appeal.

In a former number it was mentioned, that the Susquehannah case was stated at large to Mr. Thurlow, now Lord Thurlow, the late Lord Chancellor of England, Mr. Wedderburne, now Lord Loughborough, the present Chancellor, Mr. Dunning and Mr. Jackson, two eminent Crown Lawyers. Not only the question before recited, but also the following, was proposed to them, viz. "Have not the said Governor and Company of the colony of Connecticut, the right of preemption, and the title under the Crown to the lands aforesaid, within the limits and bounds of their patent aforesaid, lying westward of the province of New-York, and not included in the patent of King Charles the second to the Duke of York, notwithstanding the several settlements of boundaries, between the Colony on the east, and the Province on the west, made as well by agreement between the parties, as under the royal authority, and notwithstanding the subsequent charter to Sir William Penn?"

To which they unanimously answered, "The agreement between the colony of Connecticut and the province of New-York, can extend no farther than to settle the boundaries between the respective parties, and has no effect upon other claims that either of them had in other parts; and as the charter to Connecticut was granted but eighteen years before that to Sir William Penn, there is no good ground to contend, that the Crown could, at that period, make an effectual grant to him, of that country which had been so recently granted to others. But if the country had been actually settled under the latter grant, it would now be a matter of considerable doubt, whether the right of the occupiers, or the title under which they hold, could be impeached by a prior grant without actual settlement."

With regard to the circumstance mentioned in the latter clause of their answer, the reader will please to recollect, that the land now in dispute, was first actually settled under the

former grant, and not the latter. This, in their opinion, must add strength to a title, which, independent of any settlement, they considered legal and valid.

I cannot, contentedly, dismiss this point, without adding, that the determination of the bounds between New-York and Connecticut, so far as it is an authority, is directly in point in favor of the Susquehannah Company. It has established a principle, which goes to the merits of their case. The tract between Connecticut River and the line of partition then determined upon, stood in the same predicament, in respect to the Connecticut title, as the land west of the Delaware did, after Penn's charter. Both were equally, and in the same and no other terms, comprehended, within the charter of 1662. The exception of what was possessed by another State, applied to the former as forcibly as to the latter, and with more semblance of truth; for the Dutch never had any kind of possession or pretension to the Susquehannah land; whereas they did claim, and pretend to possess, the country eastward of Hudson's River, as far as Hartford. And upon the idea of such claim and pretension of this tract, knowing at the same time that it was covered by the Connecticut charter, and claimed by that colony, it was nevertheless included in the Charter to the Duke of York, by these words "All the land from the west side of Connecticut River to the east side of Delaware-Bay," which are certainly as explicit as the grant of the Susquehanna land to Sir William Penn, by the bounds of rivers, and lines of latitude and longitude. The one was doubtless granted, from an erroneous belief that it had been under the Dutch dominion, and consequently excepted out of the including charter to Connecticut; and the other, from an equally erroneous belief, that the grant would not interfere with the charter limits of Connecticut, which were not defined by any certain known degree of latitude, and had not then been ascertained by actual survey. But it was determined, that this tract, though particularly included in the Duke's patent, yet having been previously granted to Con-

necticut, and covered by the exception from that grant, rightfully and lawfully belonged to that colony. Had the determination not been founded upon solid principles of English law, the Duke, who was then in favor, and power, and not much inclined to abandon any defensible claims, would not have acquiesced in it, but would have procured a reversal of it. Let the same rule be applied to the land first granted to Connecticut, and afterwards to Penn; and it will be determined, that it rightfully and lawfully belongs to those who deduce their title from the former.

NUMBER XIII.

THE most plausible objection against the Susquehannah Title, though not more solid than those already noticed, remains yet to be examined. It is founded on the sentence of the Court of Commissioners, held at Trenton, in 1782. It is said, however rightful the Connecticut claim once was, "there has been a trial, according to the mode prescribed by the articles of Confederation, a decision, which is final and conclusive, in favor of Pennsylvania; the grounds of which decision cannot now be unravelled, nor the original merits of the question examined, so long as that judgment remains in force; and there is no authority in the federal government to reverse it or grant a new trial."

This specious objection has been propagated with vast industry and address, and, through a want of an entire knowledge of the whole subject, has been successful in making an impression upon many honest minds. To discover whether it is well founded, or merely colourable, I will state the whole transaction, as it appears from records and authentic documents, and let it speak for itself.

The authority of that Court of Commissioners was bottomed upon the second clause in the ninth article of the Confederation, which is in these words:

"The United States in Congress assembled, shall be the last report on appeal, in all disputes and differences now subsisting, or that hereafter may arise, between two or more states, concerning boundary, jurisdiction, or any other cause whatever; which authority shall be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any state, in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons, each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always, as a major part of the judges, who shall hear the Cause, shall agree in the determination. And if either party shall neglect to attend at the day appointed, without shewing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, Congress shall proceed to nominate three persons out of each state, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence or judgment, which

shall, in like manner, be final and decisive, the judgment or sentence and other proceedings being, in either case, transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided that every Commissioner, before he sits in judgment, shall take an oath, to be administered by one of the Judges of the Supreme or Superior Court of the state, where the cause shall be tried, well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward; provided also, that no state shall be deprived of territory for the benefit of the United States."

Provision is here made for the trial of causes, wherein states are parties. It extends to no case whatever, in which any person, other than a state, is either plaintiff or defendant. As to actions for or against individuals, the Commissioners appointed in pursuance of this power, could hold no cognizance.

But the next clause of the same article provides that "*All controversies concerning the private right of soil, claimed under different grants* of two or more states, whose jurisdictions, as they may respect such lands and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed, to have originated antecedent to such settlement of jurisdiction, shall on the peti-*

* A Grant is defined by Shepard, in his Touchstone of Common Assurances, as follows: "This word is taken largely, where any thing is granted or passed from one to another. And in this sense it doth comprehend feofments, bargains and sales, gifts, leases, charges and the like; for he that doth give or sell, doth grant also. And it is sometimes by matter of record, sometimes by deed or writing in the country, and sometimes without either." It is frequently used in a more limited sense. But it is here obviously intended to have this large, unlimited signification, to comprehend any thing, which by the laws and customs of a state, passes the right of such state, to the grantee, whether it be by legislative act, or other matter of record, patent, deed, or any other form. The requisites of an effectual State Grant, differ in different states. It is immaterial what they are, provided they are acknowledged and practised upon in the state passing the grant, as sufficient. That is the only standard, which can be adopted.

tion of either party, to the Congress of the United States, be finally determined, as near as may be in the same manner, as is before prescribed for deciding disputes respecting territorial jurisdiction between different states."

Here the reader sees, that the two tribunals, which were authorized by the two clauses in this article, were to be wholly separate and distinct. One was appointable upon the application of a state, by its proper officers or agents; the other, upon the application of either of the persons, who might claim the private property of the land under the two states. The private right of foil is that right, which is vested in an individual or a number of individuals, in contradistinction to a public or common right existing in a state in its corporate capacity. When a state had once aliened, appropriated, or passed from itself to an individual or to individuals, the right of that state to any parcel of land; from that moment it ceased to be a public and became a private right, subject to the jurisdiction provided by the aforesaid latter clause, and consequently excluded from the jurisdiction constituted by the former clause.

It is not difficult to perceive the reasons, which induced the framers of the Confederation to provide a second court of Commissioners, for the trial of questions of title, arising under previous grants of the respective states, whose jurisdictions and public rights were thus adjusted.

Upon principles of common law, a judgment, or any kind of mutual determination, between two states, or two other persons, legal or natural, would not be conclusive, for or against another person, deriving from either a title prior to such judgment. For instance, A. owns or claims a tract of land containing a thousand acres, and conveys to B. one hundred acres of it. C. claims the whole tract by an adverse title. Now, nothing, which A. can do, or suffer to be done, respecting the title, after his alienation to B. can legally affect B's right to the land conveyed to him. He stands invested with all the right, which A. had in and to the land, at the

time of his conveyance, and not merely the right which A. might possess after subsequent transactions, affecting the title as it before existed. If A. releases or disclaims his right, or incurs any incumbrance; or if C. institutes a suit against A. and obtains a verdict of a jury, and judgment of court thereon, for the land; it can neither be pleaded in bar, or given in evidence, in a suit between B. and C. respecting the title of the hundred acres. As to B. it would be, in technical language, *res inter alias acta*, that is, a matter between other parties; and B. would not be precluded by it, from a hearing upon the merits of his claim. For no man is to be deprived of his rights without an opportunity of being heard, or prejudiced by a trial to which he was a stranger. That it is a dictate of sound reason, is instinctively perceived by every man of common sense; that it is also an established principle of law, is equally known to every lawyer and judge. It would be to no purpose for C. to urge, that there has been one fair trial, and a final decision. However fair and impartial the first trial may have been, and however final and conclusive the judgment may be, between the parties to that suit, and their representatives or subsequent donees, yet B. has still a right to be heard for himself; and if, by producing better evidence, conducting his cause more skilfully, or having triers of a different opinion, he can obtain a verdict in his favor, he may as fairly and lawfully avail himself of it, as C. receive the benefit of his verdict. In such a case it would make no difference, if either of the parties were a corporation. For the sake of exemplification, suppose, after the Commonwealth of Massachusetts had sold to Brown and his associates, the ten townships, called the Chenango purchase, in that part of the state of New-York, which was then in dispute between the two states, Massachusetts had, by voluntary compromise, relinquished or renounced her claim, or had proceeded to an actual hearing before the Court of Commissioners, who were in fact appointed to try the cause between those two states, and there had been a sentence

against Massachusetts, that she had no right, by her charter, to the western lands, and that the right belonged to New-York; would such determination be pleadable in a suit between a grantee of the state of New-York, and Brown and his associates, who derived their title from Massachusetts, by a conveyance made conformably to the laws of that Commonwealth, before such sentence? Would a Chenango purchaser be bound by a trial, to which he was not and could not be admitted a party? Law and reason answer, no. He would not be obliged to entrust the defence of his property to persons, over whom he had no control, and in whom, perhaps, he did not confide. He might think the Commonwealth did not make the best defence, which the nature of the case admitted, or that they submitted the question to Commissioners, who, or some of whom, were partial and had prejudiced the cause, or against whom he might have substantial objections, unknown, perhaps, or disregarded by the agents of the Commonwealth. He might have discovered material evidence, which was concealed by the opposite party, or not produced, and from peculiar circumstances, not produceable at the public trial between the states. At any rate, it would be his right to try the strength of his title himself, in his own mode of management. Having purchased under Massachusetts, from his own knowledge of the charters, and his personal confidence in that title, the Commonwealth could not, by any subsequent transaction, divest him of all or any part of the right thus acquired, without his concurrence, or prevent his availing himself of it, in any legal manner, to which his judgment might direct him. It is true, after the settlement, whether voluntary or compulsory, between the states, provided it terminated in favor of New-York, he must, at common law, submit to the inconvenience of trying his cause in a court and by a jury of that state. So far, and so far only, he would be concluded by a decision of the public controversy. To remedy that common law inconvenience, and, at the same time, to place the right of an independent trial

beyond all manner of doubt, a clause was inserted in the confederation, providing for a hearing in all such cases, before a special Court of Commissioners, to be instituted under the authority of Congress. It is a truth, for which the writer relies upon the information of one of the most respectable members of the old Congress, at the time the articles of Confederation were framed, that the disputes between Massachusetts and New-York, and between Connecticut and Pennsylvania, respecting their interfering charters, were the two cases particularly contemplated, when that clause was draughted. Probably other instances were expected, if none were than foreseen; and therefore the provision is couched in general terms, applicable to all cases of the kind. Whenever a difference should arise between two states, concerning their public rights, either with regard to boundary, jurisdiction, or any other cause of action, it was to be adjusted by such Commissioners; and after that adjustment, any titles claimed by private persons, to have been obtained from either state, prior to the public trial, were to be heard and determined, not by the courts and juries of the state, within whose jurisdiction the land was now declared to be, for they might be expected to be partial, because interested; but by commissioners to be appointed by Congress, upon the application of the private claimant, according to a plan of choice and chance, which, it was supposed, would guard against partiality.

Under the Confederation, Pennsylvania applied to Congress, stating the public dispute between that commonwealth and the state of Connecticut, and praying for commissioners to decide it. The Legislature of Connecticut, upon being notified of the application, resolved to instruct their representatives in Congress to move for a postponement, until after the expiration of the war, "because that sundry papers of importance in the case are in the hands of council in England, and cannot be procured during the war." The motion was accordingly made and urged in Congress. But

the members of Pennsylvania prevailed, and it was overruled. Commissioners were ordered to be appointed. At length they were agreed upon and a commission issued as follows:

“The United States in Congress assembled.

“*To all whom it may concern.*

“Whereas the ninth article of the Confederation provides that the United States, &c. (*reciting the second clause of the said article, as already stated*) And whereas the President, and Supreme Executive Council of the state of Pennsylvania, did, on or about the third day of Nov. 1781, present a petition to the United States, in Congress assembled, stating that a controversy has long subsisted between the said state of Pennsylvania and the state of Connecticut, respecting sundry lands lying within the northern boundary of the state of Pennsylvania, and praying for a hearing, in pursuance of the ninth article of the Confederation; whereupon notice was given to the state of Connecticut, and a day assigned for the appearance of the parties by their lawful agents, at the place in which Congress should then be sitting: and whereas, in pursuance of the said notice, the states of Pennsylvania and Connecticut appearing before Congress, by their lawful agents, viz. On the 16th day of July last, they were directed to appoint, by joint consent, commissioners, or judges, to constitute a court for hearing and determining the matter in question, agreeably to the ninth article of the Confederation. And whereas the said agents, by two instruments in writing, the one dated the eighth and the other the twenty-first of the present month of August, both signed by them and lodged among our archives, have certified, that in pursuance of the said direction, they have met and conferred together, and by joint consent have appointed the following gentlemen as commissioners to constitute a court for hearing and determining the matter in question between the said states, that is to say, Hon. William Whipple, Esq. of New-Hampshire, Hon. Welcome Arnold, Esq. of Rhode-Island, Hon. David Brearly and

W'm. Churchill Houstou, Esq. of New-Jersey, Hon. Cyrus Griffin, Joseph Jones and Thomas Nelfon, Esquires, of Virginia; any five or more of whom, to constitute a court and have authority to proceed and determine the matters in difference between the said states. And by another instrument of agreement, bearing date the 21st of Aug. 1782, and signed by them the said agents, and lodged among our archives, have among other things, requested Congrefs to approve the appointment, by the said agents, of the said William Whipple, &c. and to constitute them, or any five or more of them, a Court of Commissioners, to hear and finally determine the dispute between the said states, relative to their respective rights, claims and poffessions, agreeably to the ninth article of the Confederation; and that a commission be made out for them under the feal of the United States, in Congrefs assembled, and signed by the President of Congrefs; and that the commissioners, or any five or more of them, do meet at Trenton, in New-Jersey, on Tuesday the twelfth day of November next, and have power to adjourn from time to time, and place to place, as they shall judge it necessary, until they shall make a final decision in the said caufe. Now be it known, that in virtue of the authority vested in us, as aforesaid, and in conſequence of the beforementioned appointment and agreement, we have cauſed theſe our leters patent to be iſſued, conſtituting and declaring, and we do hereby conſtitute and declare, the ſaid William Whipple, &c. or any five or more of them, to be a Court of Commissioners, with all the powers, prerogatives and privileges incident or belonging to a court, to meet at Trenton in the State of New-Jersey, on Tuesday the twelfth day of November next, to hear and finally determine the controverſy, between the ſaid ſtate of Pennsylvania and ſtate of Connecticut, ſo always as a major part of ſaid Commissioners, who ſhall hear the caufe ſhall agree in the determination; and if any of the ſaid parties ſhall refuse to ſubmit to the authority of the ſaid court, or to appear to defend their claim or caufe, the ſaid court ſhall,

neverthelefs, proceed to pronounce fentence or judgment, and the judgment or fentence of the court shall be final and conclusive; the judgment or sentence, and other proceedings, being, in either cafe, transmitted to Congrefs, and lodged among the acts of Congrefs, for the security of the parties concerned; provided that every Commissioner, before he sets in judgment, fhall take an oath, to be administered by any one of the Judges of the Supreme or Superior Court of the state, where the cause shall be tried, well and truly, &c. Provided also, that no state fhall, by their faid judgment, be deprived of territory for the benefit of the United States: and in cafe a fufficient number of the Commissioners do not meet on the day assigned, to form a Court, we do hereby authorize and empower any one or more of the faid Commissioners, to adjourn, from day to day, or from time to time, until a number meet fufficient to make a Court; and we do hereby authorize and empower the faid Court to adjourn from time to time, and place to place, as they fhall judge it necessary, until they fhall make a final decision in the faid caufe. In testimony whereof, we have caused these our letters and commission to be made patent.

"Given under our feal, and signed by his Excellency John Hanfon, Esq. Prefident, in Congrefs, this 28th day of August, in the year of our Lord, 1782, and in the seventh year of our Independence."

The Commissioners, except Joseph Jones and Thomas Nelson, met according to the commiffion, and formed a court, Nov. 19, 1782. The two party fates appeared by their public agents. A motion in writing was then offered by the agents of the fstate of Connecticut, in the words following:

"TRENTON, Nov. A. D. 1782.

"*State of New-Jersey, ff.*

"At a Court of Commissioners for the trial of the caufe between the fates of Connecticut and Pennsylvania, relative to the jurisdiction and property in certain lands lying weft

of Delaware River, within the charter boundaries of said states.

"The Agents for the state of Connecticut, saving to themselves all advantages of other and further defence in said cause, beg leave to suggest, inform and give the Court to Underftand, that there are many persons, who are tenants in poſfeſſion of the lands in controverſy, holding, improving and claiming large quantities of faid land, under titles from the ſtates of Pennsylvania and Connecticut reſpectively, and particularly the two large companies of Delaware and Sufquehannah, conſiſting of more than two thouſand perſons, many of whose people are in, poſfeſſing, improving and holding large tracts of faid lands in controverſy, under title from the ſtate of Connecticut; whose titles under ſaid ſtates reſpectively, will be materially affected by the deciſion in this caſe, yet have not been cited, or any way legally notified, to be preſent at faid trial, to defend their titles reſpectively, which, by the rules of proceeding in a course of juſtice, ought to be done, before any further proceedings are had in faid caufe; and thereupon faid agents move this honorable Court, to caufe faid companies of Delaware and Sufquehannah, and other tenants in poſfeſſion, holding under title from either of faid ſtates, to be duly cited in ſome proper and reaſonable manner, to appear and defend at faid trial, if they fee caufe, before any further proceedings are had in faid caufe; and of this they pray the opinion of this honorable Court."

The reader here perceives, that the agents for Connecticut, by this written motion or ſuggeſtion, which is entered upon record and forms a part of the caſe, expreſſly inform the Court, that the Sufquehannah Company (whose caſe we are ſtating and examining) at that time held their lands under a title from the ſtate of Connecticut, and were, many of them, in actual poſfeſſion and improvement thereof, under that title. Is not this, to all intents and purpoſes, a disclaimer, on the part of the ſtate, of the right of foil, as to the land included within the Sufquehannah Purchase; and a declaration in man-

ner and form, that the same was vested in the Company? From the whole record, it therefore appears, by the shewing of the state of Connecticut, that this tract of land, was then not the public property of the state, but the private property of the Susquehannah purchasers. The title which had once existed in the state, was transferred to them, in some mode acknowledged by the laws of that state, though not particularly described. Yet the state agents were willing and desirous that these private owners of the soil should be summoned in and made parties to the suit, so as to undertake the defence of their own claims, if that could consistently be permitted; because they were sensible that there were considerations, which applied more directly and strongly in favor of this private property, than of that which still belonged to the state, as public property. The Indian title was united to that of the Crown, so far only, as the land was thus appropriated to individuals. The Indians had conveyed their right to the companies of purchasers, and not to the state. As to the state lands, which lay still further west, the Indian title had not yet been extinguished. The actual occupation, also, was more immediately attached to the private property, and more remotely connected with that which was still public. These circumstances, it was supposed, might, with some minds, make a difference. The public right might be viewed more in the light of an abstract claim, and be perhaps more subject to considerations of policy and expediency. It was wished by the agents of the state, to incorporate the private claims with the public, and have them considered and determined together. But the record states, that "After argument, the Court adjourned till tomorrow, ten of the clock.

"Wednesday, 20th November, 1782. The Court gave their opinion on the motion of yesterday, made in writing by the agents of Connecticut: That the same cannot be admitted, according to the construction of the ninth article of the Confederation, and the tenor and design of the commission under which they act."

In over-ruling the motion they clearly judged right. Their commission was founded on the second clause of the ninth article, which went no further than to give them cognizance of controversies concerning public rights and claims existing between the two states. And by the only construction, which can be given to the third clause, the consideration of claims of private property or right in the foil, under titles derived from either of the two contending states, was wholly excluded from their jurisdiction, and referred for another tribunal, to be instituted independently of the first, and after the decision between the two states, concerning their public or state claims. The two jurisdictions could not, according to the Confederation, be blended. Had the Trenton commissioners undertaken to consider and determine upon the Susquehannah Company's title to their land, they would have gone beyond the bounds of their commission. Such determination would have been, in the language of the law, *coram non Judice*. It would have been merely the extra-judicial, unauthorized, and therefore inconclusive opinion of five private men, of just as much validity as the voluntary opinion of any other five gentlemen of equal respectability, given upon the evidence then produced. But the Commissioners, upon solemn argument, very properly determined not to take cognizance of private rights or claims of property.

The next day a motion was made by the agents for the state of Connecticut in these words:

TRENTON, NEW-JERSEY, Nov. 1782.

"*Court of Commissioners, case, Pennsylvania vs. Connecticut.*

"And now the agents of the state of Connecticut, unwilling to give any unnecessary delay, but considering the magnitude of this cause, its length and intricacy, and the high importance, that it should be thoroughly investigated, and not only justly determined, but in a manner satisfactory to the parties concerned; and the state of Pennsylvania not having filed any declaration or state of their claim in this Court, whereby the agents for Connecticut can know what the de-

mands of Pennsylvania are, or what they have to answer to, and knowing that there are many exhibits and proofs, which will be essentially necessary in the course of said cause, which we have not, nor hath it been in our power to procure, viz. a certain original deed from the Indians, of a large parcel of the lands in dispute, obtained from their chiefs and sachems at their council-fire in Onondago, in A. D. 1763, which is now in England, left there before the commencement of the present unhappy war, and which we have never since been able to obtain,* and other necessary evidence and proofs, which, on examination, we find we are not at present possessed of, which may be wanted in the course of said trial; and not yet knowing what concessions may be made on the part of Pennsylvania, do consent to proceed in the trial of said cause; at the same time reserving to ourselves the right of moving, in any stage of said trial, to have the same postponed, as the nature and exigencies of the case may require, and the agents for Pennsylvania have on their part the same advantages, and that this motion be made parcel of the files of this honorable Court.

“E. DYER,
“Wm. S. JOHNSON, }
“J. ROOT, } *Agents for Connecticut.*”

Whereupon the agents for the state of Pennsylvania moved as follows:

“The Agents of Pennsylvania, in answer to the written motion preferred by the Agents of Connecticut, do say, that they are now ready, and have been for some time, to exhibit

**These documents were left by Col. Dyer, agent for Connecticut, in England in the care of the late John Gardner, by whose direction they were transmitted to New-York, in the time of the war, directed to Col. Dyer, but he did not receive them, and they are supposed to have fallen into the hands of a Pennsylvanian, who communicated them to some of the agents of Penn; and it is said they can be proved to have been in their possession, during this trial at Trenton, and indeed before the application was made for the trial.²¹*

²¹ This statement is substantially that found in the deposition of Eliphalet Dyer, *supra*, notes 3 and 8.

their claim on the part of Pennsylvania, but have been delayed by the expectation founded on the promise, made in the presence of the Court, by the agents of Connecticut, to file their claim at the same time. Yet they say, in answer to that part of the said motion, which claims the right of moving, in any stage of the trial, to have the same postponed, that the Court ought not to hear and admit any motion to postpone the trial after the same has begun and proceeded to a hearing of the merits of the cause; and of this they pray the opinion of the Court.

“WILLIAM BRADFORD, Jun.

“JOSEPH REED,

“JAMES WILLSON,

“JONATHAN D. SERGEANT.”

The Court ordered the motions to be filed, but did not admit a right of postponement; and the trial proceeded.

The Agents of Pennsylvania, in setting forth the claim of that state, alledged,

1st. The charter of King Charles II. to Sir William Penn, dated March 4th, 1681.

2ndly. That said Penn, and the succeeding proprietaries, purchased, from the native Indians, the right of soil in some parts of the territory; and that the Indians had conveyed to Thomas and Richard Penn, the “right of pre-emption, of and in all the lands not before sold by them to the said proprietaries, within their charter.”

3rdly. They stated the limits of said charter.

4thly. That Pennsylvania joined in the declaration of Independence, and the articles of Confederation, and established a Constitution of government, in the exercise of which, the Legislature did, on the 27th of Nov. 1779, by a legislative act, duly made and passed, “vest the right of soil and estate of the late proprietaries of Pennsylvania, in the said Commonwealth; and that, by means thereof, and of the several matters and things herein before set forth, the said

Commonwealth or state of Pennfylvania is entitled to the right of jurifdiction and right of foil within all the limits aforesaid."

5thly. That fundry perfons, claiming under the late colony, now state of Connecticut, had, before the revolution, settled upon lands within faid limits; and that Connecticut, by an act of Legislature, made a fhort time before the revolution, encouraged fuch settlement and intrufion, and afferted their claim, as a colony, to a large parcel of the lands within faid limits, as well in point of jurisdiction as territory: and that, since the revolution, the faid intrufions are con tinued and increased by the faid perfons claiming under Connecticut, and the claim of the faid state, is by the faid state, still continued and perfifted in, and the jurisdiction of faid state actually afferted and exercised within a part of the state of Pennfylvania.

Wherefore they prayed the court to proceed agreeably to the tenor of the ninth article of the Confederation, to decide in the premifes."

The agents for Connecticut exhibited a ftatement of the claim of that state, in which they deduced the state title from the Crown, through the Plymouth Council, and the charter of Charles 2nd, dated April 23, 1662—described the limits of the faid charter—set forth the exception of New-Netherlands afterwards New-York—and alledged, that in 1753, the state having located and settled their lands on the eaft fide of New-York, and being in a condition to extend their settlements on the weftern part of their patent, for that purpose permitted certain companies of adventurers to purchase large tracts of land, of the native indians, on the Susquehannah and Delaware, within the limits of their charter; "and in A. D. 1754 faid companies proceeded and made fettlements on faid lands fo purchased as aforesaid, and ever fince have, though with various interruptions, continued to hold and poſſeſſ the fame under the title of the colony of Connecticut. And the Legislature have approved of the purchases and fettlements of the

adventurers aforesaid, and have actually erected and exercised jurisdiction in and over said territory, as part and parcel of said colony."

They therefore prayed that they "may be quieted in the jurisdiction and property in and over the lands in dispute aforesaid."

The declaration, or state of the claim on the part of Connecticut, of which the reader is here presented with an abstract, is perfectly consistent with the written motion or suggestion already examined. It is apparent, from the whole record, that the state did not claim the right of soil, throughout all the territory in dispute, as public property belonging to the state; but admitted and represented a part of it to be the private property of the purchasers under the state. And within this description was the purchase of the Susquehannah company. Still the property or right of soil of a large tract, that is, of all the western part of the contested territory, was in fact claimed by the state. And the jurisdiction over the whole was also claimed as belonging to Connecticut.

After various adjournments, and motions, and arguments, the Court, on the 13th day of December, 1782. pronounced the following judgment or sentence:

"We are unanimously of opinion, that the state of Connecticut has no right to the lands in controversy."

"We are also unanimously of opinion, that the jurisdiction and pre-emption of all the territory lying within the charter boundary of Pennsylvania, and now claimed by the state of Connecticut, do of right belong to the state of Pennsylvania."

All the rights of the state of Connecticut, that is, her public corporate rights, as to jurisdiction, and property in the land, were embraced within the jurisdiction of this court, and are barred by this judgment, so long as it remains in force.‡ Whether any other five men would have been of the same opinion, upon the case as then submitted, or whether the same gentlemen would be of that opinion, upon such evidence as could now be offered, is altogether immaterial. So far as the

fentence extends, and was authorized to extend, it is, while it continues, final and conclusive, between the states, who were parties to the cause. But it could not touch the private rights of property. They were placed beyond the reach of the sentence, and guarded from its operation by constitutional barriers. Notwithstanding any vagueness and generality in

[*See this reference after the number.*]

the terms used by the Commissioners, in that part of their sentence, which awards the jurisdiction and pre-emption to Pennsylvania, they did not take into consideration any private claims of title. That they did not, appears by what has already been stated from the record. They also, declare it in terms, in the following letter, which was written to the Executive of Pennsylvania, in consequence of the decision, the next day after it was signed, and fully explains the extent of it.

"TRENTON, 31st Dec. 1782.

"Sir,

"We take the liberty to address your Excellency, as private citizens, lately honoured with a commission to hear and determine the controversy between the states of Pennsylvania and Connecticut, relative to a dispute of territory. In the course of executing this commission, we have found that many persons are, or lately have been, settled on the lands in question. *Their individual claims could, in no instance, come before us, not being in the line of our appointment.* We beg leave to declare to your Excellency, that we think the situation of these people well deserves the notice of government. The dispute has long subsisted. It may have produced heats and animosities among those living on or near the country in contest, and some imprudencies may take place, and draw after them the most unfavorable consequences.

"With all deference, therefore, we would suggest to your Excellency, and Council, whether it would not be best to adopt some reasonable measures, to prevent any, the least disorder or misunderstanding among them; and to continue

things in the prefent peaceable pofture, *until proper steps can be taken to decide the controversy respecting the private right of foil, in the mode prescribed by the Confederation.* We doubt not an early proclamation from the Executive of Pennsylvania, would have all necessary good effects: and we feel ourfelves happy in the fulleſt confidence that every means will be adopted, or acqueſced in, by the ſtate, to render the ſettlement of this diſpute complete and ſatisfactory, as far as may be, to all concerned.

"We have the honour to be, with great reſpect,
your Excellency's moft obedient and
humble fervants,

Wm. WHIPPLE,
WELCOME ARNOLD,
W. C. HOUSTON,
DAVID BREARLY.²²

Prefident DICKINSON.

Now can any man have the ftupidity to believe, or the effrontery to pretend, that theſe Commissioners, directly contrary to their own declaration, did conider and decide the controversy reſpecting the private rights or claims of property in the foil? Will any court, to whom the whole caſe ſhall be diſcloſed, give to their ſentence an extent beyond what was understood and intended by them, and at the fame time beyond the conſtitutional limits of their commission? and all this, for the purpoſe of avoiding a trial upon the original merits of the title, which the claimants poſſeffed before the time of the Trenton Court, and which was ex-cluded, and conſidered by the Judges to be excluded, from the conſideration of that Court? Is this fatal Trenton decree, like Adam's fall, to involve, in its guilt and condemnation, all the claimants of the private right of foil, who are de-scended from that apoſtate parent State, without any dif-

²² The copy of the pamphlet in the Boston Athenaeum has the name of Cyrus Griffin inserted at this point, apparently in Bidwell's own handwriting, p. 100.

crimination between those who were born before and after the decree? Of this every reader must form his own judgment.

After the decision at Trenton, a petition was presented to Congress by Zebulon Butler and others, claiming the private right of foil, under Connecticut, and praying for a Court of Commissioners, to determine their claim. Whereupon Congress resolved, Jan. 23, 1784, that such a court should be instituted for that purpose; and assigned the fourth Monday in June, then next, for the appearance of the parties. On that day Congress happened to be in recess, and a quorum of the committee of the states did not assemble. Consequently no appearance could be entered. When Congress met again, it was doubted whether the petition was not discontinued by non-appearance. A difficulty was also started, with regard to the sufficiency of the petition, which was rather general and uncertain. At length it was determined as follows:

"Whereas the petition of Zebulon Butler and others, claiming private right of foil under the state of Connecticut, and within the jurisdiction of the commonwealth of Pennsylvania, doth not describe, with sufficient certainty, the tract of land claimed by the said Zebulon Butler and others, nor particularly name the private adverse claims, under grants from the commonwealth of Pennsylvania: Resolved, that the resolutions of Congress, of the 23d of Jan. 1784, relative to the claims of Zebulon Butler and others, be, and hereby are repealed."

It seems to have been the opinion of Congress, that the claimants should, perhaps, institute separate petitions, at least, that they ought to describe the land claimed, and name the adverse, with certainty: But no doubt appears to have been entertained, as to the right of such a special trial, of the private right of foil, independent of the decree at Trenton.

But the Connecticut settlers were poor, oppressed and persecuted. They had been impoverished and waisted by the war: and the heavy arm of civil and military power was now

raised against them, to crush them into the dust. Thus circumstanced, their operations were tardy and their efforts necessarily feeble. Their cause had never been explained to the public. Their opposers avoided investigation, but roundly asserted that the controversy was decisively tried, and that it was mere obstinacy in them not to submit to the final judgment of a lawful court. Their enemies were in possession of wealth and power, and means of propagating their ideas far and wide, and making an impression upon the public mind. They were represented as a desperate gang of lawless wild Yankees, who had fled from justice, and taken refuge in the back parts of Pennsylvania, by violence and in defiance of law. The state listened to such reports, and lent the aid of government to the claimants of private property. Statutes were passed, prohibiting, under rigorous penalties, the private owners of the soil, under Connecticut, from settling on their land. These modern Blue-laws, which would have done honor to the dark ages, were published with scare-crow proclamations, and circular letters. §

Before another petition was brought forward, the new Constitution was adopted, and the Federal Courts, of course, succeeded to all the jurisdiction, relative to these causes, which had been before assigned to the special Courts of Commissioners. Before these new tribunals, there is doubtless the same right of going into the whole merits, independent of the sentence between the states. And what, in the name of law and justice, can prevent his holding or recovering his land? It is true, as the law now is, the trial being in Pennsylvania, must be by an interested jury. But Congress have a constitutional power to authorize the courts, in such cases, to summon in a jury from states not interested. Upon application, this will probably be adopted, as a general law, applicable to all cases in which titles derived from two states are tried. Every principle of justice requires such a law; and it would be analogous to the institution of Commissioners

[§ See this reference, also, after the number.]

under the Confederation. If an impartial trial is provided, will the decision already given, have any effect in determining it? Can it operate by retrospection, so far as to nullify or invalidate all the acts, grants, purchases and sales, and other proceedings, under Connecticut, relative to this land, previous to that public trial? Would it not be perfectly childish, a pitiful farce, beneath the dignity of the United States, to provide solemnly and specially for a court to hear and determine controversies respecting the private right of soil, under antecedent grants of either state, if the judgment determining the jurisdiction against a state, was of course to involve in it a conclusion or determination that the grants of that state, as well before as after, are illegal and void? The grants and other proceedings under one state, respecting the controverted land, cannot be authorized by the laws of the other. There is a necessary opposition. But is directly repugnant to that constitutional instrument, which alone legalizes the sentence awarding jurisdiction to one state, to suppose that the grants and transactions under the other are therefore necessarily void, because they respect land, which is extraterritorial or exjurisdictional, as it must be, with regard to one or the other of the two states, in consequence of a determination of the question between them. As to the rights of the immediate parties, that is, the public rights of the two states, it may have a retrospective operation. Yet "the principle of relations does not retrospect, so far as to affect third persons." This has been admitted as a sound doctrine of law, from the days of Lord Coke; and its application to this point is absolutely secured, by the Confederation, which constitutes a special tribunal, for the express purpose of trying the validity of previous grants and titles, passed by the losing as well as the winning state, when the jurisdiction over that very land, as it respects the states, has been determined.

This is not a novel opinion, invented to serve the occasion. There have been territorial disputes between contiguous colonies, prior to the Confederation. The dividing lines have

been varied, by the judgment of Commissioners and other modes of decision. Large quantities of land, purchased under one colony, while it exercised jurisdiction there, have afterwards, by new running of lines, been decided to belong to the other colony. In all such cases, whatever has been done and transacted, by way of acquiring, holding or transferring the land, agreeably to the laws of the former state, has been invariably esteemed valid, though not conformable to the laws of the succeeding state. With regard to the private owners of the soil, the laws of the latter have not been considered to have a retrospective effect. This I understand to have become the common law of the land. And it is perfectly analogous to the doctrine respecting officers *de facto*, whose acts, so far as relates to the rights and interests of third persons, are effectual in law, notwithstanding the offices are found to belong of right to other persons.

The vote of a sitting member in a legislative assembly is legal, though it may afterwards be decided that he was not elected. The decision in such cases never operates retrospectively.

By the former constitution of Pennsylvania, a year's residence was a requisite qualification to vote at elections. Within a year after the Trenton decree, twenty-four Wyoming settlers, who had lived a number of years, on the contested land, attended in the county of Northumberland, and gave their votes for two members of the legislature and one of the Executive Council. The votes were received by the returning officer, and decided the election in all the three cases. But the elections were contested, these votes set aside, and the elections declared in favour of the other candidates, by the Legislature and the Council respectively, because the twenty-four persons had not resided a year in Pennsylvania, for that territory was Connecticut until the Trenton decree.¶ This legislative and executive determination proceeded upon the same great principle, that the jurisdiction decided by the

[¶ See end of the number for this reference likewise.]

Trenton Commissioners, does not go back and affect the pre-existing rights or condition of private persons.

Upon the whole, it is submitted to the consideration of the reader, and will, hereafter, probably, be submitted to the determination of the proper courts, that, if a Connecticut claimant of Susquehannah land can shew a grant preceding the Trenton judgment, sufficient by the laws of Connecticut, to pass the title of the state to him, or those under whom he claims, that public judgment will not be pleadable or admissible in evidence against him; but his claim must stand or fall, according to the merits of his title, independent of any decision already had in the case.

#It seems to be generally believed that if the public cause were to be now tried, the decision would be in favour of Connecticut.

It is certain the state went to trial under great and inevitable disadvantages. Whether a new trial can be granted, is a question, which divides itself into two considerations. First—Whether such new trial was grantable under the Confederation. Secondly—Whether the new Constitution makes a difference in this respect.

It is provided that the sentence or judgment of Commissioners shall be final and conclusive. But what is a final judgment? That which is rendered at the end of a cause. It is called final, to distinguish it from an interlocutory judgment, which is given in course of a cause, on some incidental or collateral point, as a plea in abatement. In every case there is one final judgment. And it is conclusive, upon the subject and between the parties, so long as it remains a judgment. But it may be reversed or set aside and a new trial allowed, at the legal discretion of the Court, for any proper cause, notwithstanding it is, in the language of law, final and conclusive. It is conceived no higher degree of inviolability or intangibility is given to the Trenton decree, by the force of these words in the Confederation. The question then occurs,

whether, for manifest error apparent on the record, or for any extrinsic matter, as fraud, corruption, inevitable surprize, suppression or concealment, by one party, of material evidence belonging to the other, misconduct or gross partiality of any of the commissioners in sitting as judges when interested, or prejudiced, or having given a previous opinion before hearing the cause; in short, whether for any cause whatever, Congress might set aside such a sentence and order a new trial before other commissioners?

It is not supposed the commissioners themselves could avoid their own doings and award a new hearing. Their official existence ceased, when they adjourned without day. But was not Congress clothed with this power, as a reasonable and necessary incident to their office, being constituted, in behalf of the United States, "the last resort on appeal in all disputes and differences between two or more states." Is that authority, which is entrusted to every Superior Court of common law, and almost all courts of Common Pleas, denied to the highest tribunal in the nation? an authority, which is essential to the complete administration of justice?

If the United States in Congress assembled had that power, under the Confederation, is it lost or destroyed by the new Constitution? Cannot the existing powers of the United States now correct or give relief against erroneous or injurious sentences, judgments or decrees of Courts of Commissioners or Admiralty, or other Courts, under the Confederation? Did the change of government create an impassable gulph? But if relief can be given in any cases, why not in this, provided such evidence can be adduced, as will render it in itself proper?

These are queries, which are barely hinted for the consideration of the reader, not being immediately within the scope of the present enquiry. The state of Connecticut is deeply interested in the question concerning a new trial, as it involves a great amount of public property, which was lost by an unfavorable and unaccountable event, notwithstanding

it was sacredly granted by the earliest charter, a charter which has since been virtually ratified by Congress, and which is now generally understood and believed to be of legal validity. This property might probably be regained, according to the present state of evidence and the prevailing opinion, by a fair hearing before impartial judges, disentangled from the embarrassments, which before existed.

Every honest member of the Legislature, who is convinced of the unfairness charged upon the former trial, will feel himself bound by his duty to his constituents, and justice to the persecuted emigrants of the state, to give a vote for attempting redress, in some mode authorized by the Constitution.

§ To convince the reader that I have not exaggerated the ill-treatment of the Connecticut claimants, I will just state one of the votes of the Council of Censors of Pennsylvania.

"IN COUNCIL OF CENSORS, Sept. 11, 1784.

"It is the opinion of this Council, that the decree made at Trenton early in 1783, between the State of Connecticut and this Commonwealth, concerning the territorial right of both, was favourable to Pennsylvania. It likewise promised the happiest consequences to the Confederacy, as an example was thereby set, of two contending sovereignties adjusting their differences in a Court of Justice, instead of involving themselves and perhaps their Confederates in war and bloodshed. It is much to be regretted, that this happy event was not improved on the part of this state, as it might have been; that the persons claiming lands at and near Wyoming, occupied by the emigrants from Connecticut, now become subjects of Pennsylvania, were not left to prosecute their claims, in their proper course, without the intervention of the Legislature; that a body of troops was enlisted, after the Indian war had ceased, and the civil government had been established, and stationed at Wyoming, for no other apparent purpose than that of promoting the interest of the claimants

under the former grants of Pennsylvania; that these troops were kept up and continued there, without the license of Congress, in violation of the Confederation; that they were suffered, without restraint, to injure and oppress the neighbouring inhabitants, during the course of the last winter; that the injuries done to these people excited the compassion and the interposition of the State of Connecticut, who thereupon demanded of Congress another hearing, in order to investigate the private claims of the settlers at Wyoming, formerly inhabitants of New England, who from this instance of partiality in the army might have been led to distrust the justice of the state, when, in the mean time, numbers of these soldiers, and other disorderly persons, in a most violent and inhuman manner, expelled the New-England settlers beforementioned, from their habitations, and drove them towards the Delaware, through unfettered and almost impaffable ways, leaving these unhappy out-cafts to suffer every species of distress; that this armed force, stationed as aforesaid, at Wyoming, as far as we can see, without any public advantage in view, has cost the commonwealth the sum of £.4460, and upwards, for the bare levying, providing and paying them, besides other expenditures of public money; that the authority for embodying these troops was given privately and unknown to the good people of Pennsylvania, the same being directed by a mere resolve of the late house of Assembly, brought in and read the first time on Monday, Sept. 22, 1783, when on motion and by special order, the same was read a second time and adopted; that the putting this resolve on the secret journals of the house, and concealing it from the public, after the war with the savages had ceased, and the inhabitants of Wyoming had submitted to the government of the state, sufficiently marks and fixes the clandestine and partial intent of the armament, no such caution having been thought necessary, in defence of the northern frontiers, during the late war; and lastly we regret the fatal example, which this transaction has set, of private

perfons, at leaft equally able with their opponents, to maintain their own caufe, procuring the influence of the commonwealth in their behalf, and the aid of the public treasury; the opprobrium, which has from hence refulted to the state, and the dissatisfaction and prospet of difsentions now exifting with one of our fifter states; the violation of the con-federation, and the injury done to fuch of the Pennsylvania claimants of land at Wyoming, occupied as aforefaid, as have given no countenance to, but, on the contrary, have difavowed these extravagant proceedings. In fhort, we lament, that our government has, in this bufiness, manifested little wi-fdom or foresight, nor have acted as the guardians of the rights of the people committed to their care. Imprefsed with the multiplied evils, which have sprung from the improvident management of this bufiness, we hold it up to censure, to prevent, if poſſible, any farther instances of bad government, which might involve and distract our new formed nation. Whereupon, after debate, the queſtion was put. The yeas and nays required."—Yeas 13, Nays 8.

¶ The minority in the Legislature protested, and affigned the following, among other reafons.

"We, whose names are hereto fubcribed, confidering the feurity of elections the only safe-guard of public liberty and the peace of the state, do protest againſt the determination of this houfe, on the Northumberland election, for the following reafons:

"We conceive the 24 votes fet afide as illegal, were given by legal voters, inasmuch as the perfons giving them were, in fact, in the government (though not the territory) of Connecticut, which exercised a full jurisdiction over them, until the decree at Trenton.

"We obferve that allowing it to be Connecticut, as was contended, until the decree at Trenton, then they may be deemed perfons coming from another state, who, producing certificates of their having taken the oaths to ſuch state,

became, by law, entitled to vote: this it was fully proved they had done. Of this construction we apprehend there is a clear and express precedent in the case of the inhabitants of Westmoreland and Washington, on the settlement of the Virginia line, who were admitted to vote immediately, as persons coming from another state.

"We cannot but lament the fatal policy, which, instead of conciliating these people, and adopting them as our subjects and citizens, and endearing them to us in political bands, we are straining the laws against them, and making such a difference between them and the adopted inhabitants of Virginia; and hold ourselves clear of the consequences, which must flow from such unadvised proceedings, which, in our judgment has a strong tendency to revive the dispute, which they may yet do under the articles of Confederation, and drive them back to the jurisdiction of Connecticut, which will be more ready to receive them and renew the old claim, when they find the actual settlers excluded from the common privileges of the citizens of this state.

Therefore, we wish it to be known to our constituents, and to the world at large, that we have borne our testimony against the determination on the said election."

NUMBER XIV.

HAVING examined all the material objections against the Susquehannah Title, we will now pay a moment's attention to two or three auxiliary considerations, which could not so properly find a place in any of the preceding numbers.

It has been already remarked, that the Congress at Albany, in the dispute with the French, concerning the interior of the country, on the eve of the war with that nation, publicly declared and urged the granting of the Connecticut and other colonial charters, as an assertion and exercise of the British

right of dominion, throughout the continent, from the Atlantic to the Pacific.

In the negotiations of peace between Great-Britain and the United States, at the close of the revolution war, these charters, which had been granted by the British crown, and under which purchases had been made, were urged and admitted, as a reason for ceding or rather confirming to the United States, the western territory, as far as the British empire then was claimed to extend, that is, to the Mississippi, which was accordingly made the western boundary of the United States.

In the course of the American Revolution, some of the circumscribed states contended that all the unlocated land, which lay within the bounds of the national claim, ought to belong to the United States in common, as a prize equally contended for by the people of all the states. Applications were made to Congress upon the subject; in consequence of which, Congress recommended it to the particular states, that had unsettled lands within the limits of their charters, to cede to the Union all land beyond some reasonable bounds. Accordingly Massachusetts, New-York, Connecticut, Virginia, North Carolina and Georgia, severally passed such cessions. When the cession of Connecticut was offered, the absolute acceptance of it was opposed by Pennsylvania, whose members in Congress moved a proviso that it should not be construed or understood to affect the Trenton decree. This proviso was rejected. They then moved a resolution that Congress could not accept the cession, because it might virtually imply a cession of what was not ceded; but if Connecticut would first relinquish to New-York, Pennsylvania and the United States respectively, all her claims of jurisdiction and property west of the eastern boundary of New-York; the United States would then release to Connecticut the property, but not the jurisdiction of a tract of land, of one hundred and twenty miles extent, west of Pennsylvania. This resolution was negative. A proviso was then moved,

that the acceptance of any cession of western territory from any state, which had been or might be made, should not be "construed or understood, as confirming or on any wise strengthening the claim of such state to any such territory not ceded." Which also received a negative. Again it was moved, to be accepted, on this condition, that it should in no degree affect the claims of any state to any territory, ascertained by the decree of a Federal Court, to be within the territory or jurisdiction of such state, or to injure the claims of the United States, under acts of cession from any individual state. This was also negatived. At last the acceptance was passed in unqualified terms.

It has been generally understood, by the particular states, by Congress, by the officers of the Federal Government,* and by the public at large, that an unconditional acceptance of a cession of western territory, is a direct acknowledgment of the title thus accepted; and an implicit confirmation, to the ceding state, and consequently to those who hold under that state, of all other lands covered by the same title and not ceded.

The state of Connecticut has lately sold a tract of one hundred and twenty miles in length, and of the breadth of the state, lying west of the assumed line of Pennsylvania, and east of the line of cession. This tract is called the Reserve. But there was not in fact any reservation in the deed of cession. All west of a certain specified line was thereby conveyed to the United States, and no mention whatever made of any thing lying east of that line. The acceptance, on the part of the United States, cannot therefore, operate as a release of that particular tract. All the effect it can have, must be what I have before stated; and the operation of it extends as well to the Susquehannah land, as to that which is improperly called the Reserve. If the act of the Union has added to the validity of the Connecticut title, relative to the

* See the report of the Secretary of State, relative to the territory ceded by the state of North Carolina.

latter, it is by a general implied ratification of the Connecticut charter, and must equally affect the former, and all other land included within the same charter. Now suppose an intruding settler were to plant himself down on the Reserve, without a title under the grantee of the state, and such grantee were to institute a suit for the land; if he could recover, it must be, not upon the weakness of the tenant's title, but upon the strength of his own, which is nothing more or less than the charter title implicitly ratified by an act of Congress. As the decision at Trenton was only of the public rights of the state, the Susquehannah claimant has, in substance, the same strength of title to rely upon. A distinction has been made, in popular estimation; but there is no essential difference at the bottom. They are both equally well founded.

NUMBER XV.

WE have now gone through the enquiry in the order proposed in the opening. In the progress of it, we have found, that both parties acknowledge the authority of the British crown to the lands in question, by founding their claims upon royal charters; that the charter of Connecticut is more than eighteen years older than that of Penn; that it indubitably covers the Susquehannah land, which is not within the exception of what was possessed by any other state, the Dutch never having had any pretence of actual possession there; that Pennsylvania has no foundation of title but a sovereign act of their own Legislature, assuming the Penn estate to the Commonwealth; that the Connecticut Susquehannah Company, with the permission of the state, made a fair, bona fide purchase of the land, for a valuable consideration, from the Indians, more than 14 years before the purchase of Penn, which was also attended with circumstances of circumvention and fraud; that the Legislature of Con-

necticut, agreeably to the laws and customs of that state, approved and sanctioned the Susquehannah purchase, and confirmed it to the purchasers, by various acts, and especially by one, in which the consent of the state is expressly declared to have been given, and the company empowered to sell and give effectual conveyances, by their officers, of the land, for taxes due to the company from the members of it, which is evidence of the passing of the title from the state to the individuals composing this company; that these purchasers went into actual possession, under their purchase, before any settlements were made under Pennsylvania; that the settlers under the company, were incorporated first into a town, and afterwards into a county of the state of Connecticut, and exercised and enjoyed a complete establishment of jurisdiction and law under that state, for a number of years preceding the decision at Trenton, which awarded the jurisdiction to Pennsylvania; that the settlements with New-York were mere adjustments of dividing lines and bounds, totally irrelative to the question respecting the title of the land now in controversy; that the Trenton sentence or judgment has not touched the private rights of property, claimed by a title antecedently derived from Connecticut; that this controversy was constitutionally excluded from the jurisdiction of that Court of Commissioners, who on motion solemnly refused to take cognizance of it, and by their letter unequivocally declare that it did not and could not come before them, not being within the line of their appointment, but was consigned by the Confederation to another distinct tribunal, and now falls within the province of the Federal Courts; in which it is open to be tried upon the merits; that the charter title of Connecticut, comprehending the western lands, was publicly asserted by the Congress at Albany, in 1754; that it was urged and admitted by the United States and Great Britain, in settling the peace of 1783; that it has been since acknowledged and implicitly ratified, by the United States, in Congress assembled, by the acceptance of a cession from that state; and

that several millions of acres have been lately purchased under that title, with a general persuasion of its validity.

With this recapitulation, the writer submits the question to an impartial public. Amidst the daily avocations of business, he has had little leisure to attend to critical or technical accuracy, or any of the ornaments of composition. Nor would it have been his wish, had it been in his power, to please the imagination or interest the passions. Truth and justice being the great objects in view, the appeal has been made to the judgment alone. The facts and documents, and accompanying observations have been detailed, with some degree of minuteness, and with intentional plainness of language; that every reader might understand and judge for himself.

Grateful for the patient attention, with which he has been heard, the writer now dismisses the subject, and takes his leave of the public.

APPENDIX

I.

New York 8 March 1796¹

Sir

I was yesterday favored with yours of the 27 ult: stating the Title of Connecticut to Lands within the Limits of Pennsylvania, & requesting Information relative to certain circumstances favorable to that Title, which you understand had occurred in the negotiations for the Treaty of Peace.

The Ministers employed on that occasion communicated very ample details of their proceedings: their Letters remain in the office for foreign affairs, and have doubtless been perused by the Members who from Time to Time have been in Congress from Connecticut, and to whom those Letters have always been accessible. I do not remember, nor believe, that they contain any Thing material to the Points in question—but considering the Time which has since elapsed, it is not improbable, That occurrences which I do not now recollect, may have happened, and may be mentioned in the Letters of some of those ministers.

Such being the Case, I do not find it necessary to consider and decide, how far it would be proper, if in my power, to give such Information as you request; but which, if proper, I should with pleasure communicate.

I have The Honor to be

Sir

Your most ob^t. & h'ble Servt.
JOHN JAY.

Barnabas Bidwell Esq
Stockbridge

¹ A. L. S. In Massachusetts Historical Society.

II.

Springfield March 22^d 1796²

Sir

I have the honor of yours of the 27th of February last, I wish I was able to give you more satisfactory Informations on the matters of which you enquire; but distance of time, and advanced years, render me incapable of being very particular & express in regard to those transactions.

I was at Albany as one of the Commissioners from Mass^a. at the Congress held there in the year 1754, when they agreed upon a Plan of union & general Government for their mutual Security & defence ag^t the common enemy, a report of which Plan was agreed to be made to the several Assemblies for their consideration and acceptance, which I presume was accordingly done, & the same is probably yet on the files or records, & to which resort may be had, & the contents thereof known, and of any Acts or declarations of those comiss^{rs}s accompanying that plan, (if any such there were) & of which I have now no remembrance:—besides which, *in what office, or with whom the records of the whole proceedings are lodg^d,* I know not; what records they had of their proceedings, besides that plan of Union, I dont recollect, & as the several Governments were (in this regard) in pari gradu, if that Instrument was consider^d as the original from which transcripts were taken to be communicated, I know not who would have the preeminence of the deposit; I rather suppose, it was transmitted to the Secretary of States office, from which the order was iss^d for holding that Meeting.

I well remember, when we were at Albany, Gentⁿ. were there from Connecticut to purchase from the Indians present their right to some western Lands (I suppose the Susquehannah purchase) which it was said they effected; I often heard their negotiation mentioned, among the Gentleman with whom I lodg^d, & with whom I was most conversant; I

² A. L. S. In Massachusetts Historical Society.

dont think I ever heard it mentioned in Congrefs; & I cannot say that Comifs^{rs}. from Pensylvania were acquainted with it; I had but little Intercourse with them, but at the Council Board; yet it seems to me now, that the transaction was so public that they could hardly fail to have been privy to it, & I have no Apprehension that I then had any Idea that their Treaty & bargain was Secret or Clandeftine: but it is so long since these things were done, & I felt myself so little concern'd about them, & so much more attentive to the great Object of Congrefs as to be surely certain in anything about them.

I am with great respect & consideration
your most humble Servant
JOHN WORTHINGTON.

Mr. Bidwell

III.

COPY OF A LETTER,

From the Honorable Cyrus Griffin, Esquire, one of the members of the Court of Commissioners, held at Trenton, for the decision of the controversy between Pennsylvania and Connecticut, to Barnabas Bidwell, Esquire, of Stockbridge.

“WILLIAMSBURGH, SEPTEMBER 15, 1796.³

“SIR,

“BEING upon a tour of duty in the line of my office, I had not the pleasure of reading your letter until yesterday

“BEFORE the Commissioners determined that important contest between Pennsylvania and Connecticut, it was agreed,

“1st.—THAT the reafons of the determination should never be given.

“2nd.—THAT the minority should concede the determination as the unanimous opinion of the Court.

“No doubt sufficient reafons appeared to us to adopt theſe preliminary points: Whether ſtrictly juſtifiable, or at pref-

³ D. S. From the broadſide in the American Antiquarian Society.

ent would be adopted, I will not undertake to say. Perhaps a different course might be pursued; but this I will undertake to say, that no court ever met and decided a great question, less subject to partiality or corruption, or in which more candor and freedom of debate were exercised.

"As you seem to suppose, I do not know in what manner the jurisdiction might now be considered if tried again, and especially since "a number of important discoveries have been made, and a mass of evidence can now be produced which was not known at that time;" but I can assure you, Sir, that the Commissioners were unanimously of opinion, that the private right of foil should not be affected by the decision: The decision was not to reach the question of property in the foil. We recommended very strongly, derived from legal and political grounds, that the settlers should be quieted in all their claims by an act of the Pennsylvania Assembly; and that the right of foil, if I recollect truly, as derived from Connecticut, should be held sacred. Such, however, I am certain, was the opinion of the individuals who composed the court.

"I am very sorry that you should have made any apology for the little trouble given to me on the occasion. I only lament my uneasiness, that I can give no farther satisfaction.

"I am,

"With great respect,

"Sir,

"Your most obedient
humble servant,

"CYRUS GRIFFIN."

(Signed)

~~■~~—The original of the above Copy may be seen at New-Haven, in the office of the Secretary of the state of Connecticut, during the present session of the Assembly.

PRINTED IN CATSKILL.

Marginal notation: "This Letter was Rec^d after the Pamphlet was Put to Pres."

IV.

Athens 15th Nov^r. 1797⁴

Dear Sir /

A few days since I returned from my journey to the Southward, Eastward &c—on account of the sickness in Philadelphia—I had not an opportunity, fully, to obtain information respecting business, I intimated to you—I however, had an interview with a gentleman of good information and largely concerned—from what I learned of him I am convinced something may be done, advantageous, and *honorable*—I am encouraged to pursue the object, and if our interest can be advanced by it on fair principles, I shall not be wanting in my exertions to accomplish it—I will see you before I make another journey—

Our friend[s] at the Eastward appear much as usual—some disheartened—others in good heart—but no exertions are yet made by them, as a body, in our favor—or their own—they are in general, waiting—they know not why or wherefore, but in anxious expectation of something—

Inclosed is a memo^a from Mr. Bidwell, respecting your cause at Stockbridge—He thinks it may be necessary to prove that an actual entry upon the land was made—if you have such proof it will be well to send it him—

We have a small supply of W. I. goods now on hand, but no cloths—Our supplies will not be extensive—Shall send out the first slaying—if you wish for any particular articles of cloathing &c. for your family, please to send a bill of them, by Maj^r Satterlee, and they shall be procured for you—

Mr. Harris has given us the refusal of the Town lott, adjoining the town Plott—we wish to obtain it. I understand you are by some means interested in the sale of it, I wish you would inform me of the situation of it, and if it is

⁴ The originals of the following letters are in the possession of Mr. W. A. Wilcox of Scranton, Pennsylvania, by whose permission they are here printed for the first time.

in your power to procure it for us, it will probably be in our power to make you such pay as may suit you, as Mr. Harris does not appear willing to bargain, without consulting you— If it is at your disposal, I wish the privilege of buying it, in preference to another, if not already engaged—

No news from *Franklin*, neither is there any news in circulation respecting our general cause, that is worthy observation—

I am, Sir, with every sentiment of esteem and respect—
your Sincere friend—

David Paine

Colo. John Jenkins—

V.

Hudson May 19th 1798—

Dear Sr.

The Bearer (Cap^t. Fitch) by whom I received your favor of the 8th instant is now Waiting—Have rec'd a Short Detail of the Cos affairs from Col: Franklin—

Am Sorry to hear of y^r. Personal losses, on account that I view them as partly my own—on the 7th Instant I met Mr. Bidwell at Claverack in Company with a few more; but not enough to warrant any important Transactions. I suppose on account of the Jumble made in the Advertisement.

I Shall Communicate Yours; as well as Mr. Franklins Ideas on the matters you write of to Mr. Bidwell, & write more Particularly—Mr. Bidwell thinks matters Look better than they Did a Year ago—

I will farther Confult him on the Subject & then write to one or both of you—

I hope you'll attend to the Bowmans Creek Businefs as Soon as Convenient—if my Health will permit I have it in Contemplation to See You at y^r. House this Summer—

The effects of Speculation in y^r. Country appear to me to be truely abominable, and perhaps there will be no other way

Left than to cut the matter Short in Righteousness and agree on Some General Rule that may be both Legal & Righteous to Seize on and Settle Lands that are Delinquent in timely Settlement. &c &c.—

Pray excuse me now I'll write again Presently
With Esteem & Regard I am Your Servt—

In^o. Jenkins Esq^r: Jos^s. Ham

J. Jenkins Esq. — J. Hamilton —
Endorsed by Dr. Jas. Hamilton

Endorsed: Doct^r. Jo^s. Hamilton

VI.

Dear Sir,

When you were at my house lately, you asked me whether there could not be something wrote which might be an advantage to us previous to April and may courts, as I understood you, to thro' more light on the subject of dispute. since I see you Mr. Ingham has shewn me a piece he intends for the pres^s, in which he exposes the iniquitous intention of our oponents, and to him I must acknowledge myself indebted for some of the thoughts in this epistle.

He shews, that the Question now is, whether the title in dispute shall be intitled to a fair trial by an impartial Jury. That the committee of Congress declares they are not, and that the fate of Vanhorne against Dorrence for about 14 acres shall determine for all. That if Congress undertook, the committee thinks, it would be interfering in the government of the State—He shews the legislature of Pennsylvania have many years been contempelating planns to disposeses the setlers under the Connecticut Company—on no other terms than such as the Legislature, under the influence of land claimants have dictated. He shews that Legislative bodies afsuming a power to wrest property out of the hands of original owners, and vest the title in themselves, is unconstitutional, because “no law shall be made impairing the obligation of contracts,” That a power thus afsumed is an intrusion on the rights of men which even despotic govern-

ments dar[e] not afsume: because it sets aside Deeds and Charter privilidges.

He shews that by priority of charter right, a prior purchase from the natives, and first posseſſion, the title of the company is permanent, and that no body of men have a right to take it from them by force. That the records and files of the province (now state) confirm them in this opinion, and the late law requiring a renunciation of their connecticut claim, as a requisite qualification to intitle them to the Pennsylvania title establishes them in this opinion. Thus far Mr. Ingham—— I say

The Pennsylvania claimants hold their title from the state; how did the state come by a title? It wrested the title it has from the heirs of W^m. Penn, the rightfull owners; this is all the title it has.

The Heirs of W^m. Penn at that time entered a protest on the Journals of the house against such unconstitutional and unlawfull Aſſumptions—such arbitrary aſſumptions gives no Just title, nor can the State have a title untill the heirs of W^m. Penn disclaim, release, or abandon the title they have from the King of england, and give it up to the State, if they have not nor will not do this, The state of Pennsylvania has no title and consequently can give none.

If we suppose the Connecticut company have no legal charter right, and that the State of Pennsylvania has no other than this aſſumed right, and if the Heirs of W^m. Penn has not nor will not release to the State; would it be prudent in the setlers in Luzerne to take a title from claimants who has no other than what the state has wrested from the original owners? If the title originating from the connecticut company is not a good title would it not be prudent in them to apply to the Heirs of W^m. Penn for a title, or some way compromise with them, rather than to those who have none but what comes by usurpation?

If this statement is right, the connecticut claimants may

challeng the Pennsylvania state claimants, to meet them on equal footing divested of Legislative authority and the benefit of the public treasure; on this ground the connecticut claimants would have nothing to fear.

Lest you accuse me with prolixity, I shall conclude with only observing, that of all the writers I have seen vindicating the Pennsylvania state claim, none comes near the truth but Mr. Cooper, and tho' he is decidedly in favour of Pennsylvania claim, yet he is intitled to the thanks of the Connecticut setlers for his candor, and writing truth so far as he has examined the proceedings of the Aſembly towards Luzerne setlers.

If that Gentleman, whose sentences force conviction as far as he goes, would take a view of the records and files of the once province, now state of Pennsylvania, from the time the Connecticut company made their purchase down to the present day, and make impartial remarks thereon in his masterly manner; he would open a Scene of iniquity and intrigue, the world be aſtonished at, and if it were poſſible, put Pennsylvania speculators to the bluſh. There is a piece wrote, I suppose, by Mr. Bidwell, in w^c. is some collections from the files and minutes of the State, as fast as this masterly piece makes its appearance, every artifice is used to collect it out of the hands of those, termed the *Swinish multitude*, by the Aristocratic land speculators of Pennsylvania, lest they should have their eyes opened, and at once see the futility of the state claim, and the use made of the public money.

The impropriety and evil consequences growing out of the unconstitutional and unjust proceedings of the State, were seen thro' by the Committee of Congrefs, who did not care to meddle in the busineſs; if they had they must enquire how the State came by its title—and whether it has a right to take and give at pleasure. I have not time to take notice of the arts used to blind the citizens of this state when the

diabolical plan was laid to abolish the council of censors, under the notion of revising and amending the Constitution. If Mr. Miner will undertake to give the foregoing tho's a polish you are at liberty to let him see them but conceal the writers name. I am Dear Sir

your Friend &c. &c.

S. Gordon

Col Jenkins

Addressed: Col. John Jenkins, Exeter

VII.

Wilkesbarre Feb. 20th 1802

Dear Sir

I have this afternoon Rec'd your Letter dated Feb 8th and, am much pleased with the details you have given, respecting our Petition, and favorable prospect of having its prayer Granted. I think it is impossible but that the good Sense and Justice of Our Enlightened Republican Congrefs will do Something for us. I shall pay proper atention to your request Respecting &c and shall have an Operrtunity in nine or ten days I think of Seeing Some of the People from up the River at an adjourned Court which is to be holden here. People at Wyoming are very anxious to hear from you, and are making continual inquiries of me for news from Washington Respecting the progress of the Petition. I was at your house the beginning of this week your Family are all well, there has been some pretty cold weather here Sinc the firt of this month but no snow, it has been a little Sickly here this winter, and I have been verry much hurried in my Pratice but have lost no Patients who have been under my care. I am doing Businefs in my Distilary and make exelent Whiskey I have Recd 20 Bushels Buck wheat and in a few days fitch 20 Bushels more from your house Give my Compliments to Judge Bacon⁵ and tell him I should be happy to

⁵ Judge John Bacon, Member of Congress from Massachusetts.

receive a line from him I must conclude for it is growing dusk.

I am dear Sir with Respect Your frind

Sam^{ll} Baldwin

Col. John Jenkins

*A. L. S. On the same folio:*⁶

Sir Yours of the 10th to Stephen & myself came to hand this day, and yours to your Lady, of the 13th came at the same time &c—Your Son, *John* was here yesterday, three hours, and gave me a minute account of the Family concerns,—and I gave him particular directions to see everything done in season and well done & to keep every minute circumstance of the Farming business in proper order—&c. says every part at present is doing well &c &c I procured for him cloath for a new Coat & trimmings to satisfy him agreeable to my promise for keeping two mares for me since you left home &c &c &c—

In Answer to your letter of this day respecting Ash. Plank lumber &c— It is so sudden that I hardly know what to reply—but will take the matter into consideration and consult with Uncle Stephen and others and If upon mature deliberation it is thought that the businefs can be made practicable will do everything to forward the prosecution thereof &cc thousands throng to know what news from you and I do everything to satisfy all that I pofsibly can—Doct. Baldwin you have discovered was here and recd yours to him this day—Dorrance was here and perused with us—Blackman—Miner and many others—

We feel anxious in the event— Old Col^o. Dyer of Windham, has wrote by Mail to his Grandson—a most valuable lengthy letter on our claim—and said many good things— Stated the origin of our title, the justice of it &c—and points out the Unconstitutionality of the Intrusion Law. &c&—

⁶ Cf. XIII, pp. 138-140, *infra*, John Franklin to John Jenkins, February 28, 1802.

Comments on Mr. Bidwelles—statement, and admires Mr. Bidwelles Council for our People (as he calls them) says many things that I cannot *have* time to mention, but will Inform you of hereafter—Mr. Dorrance wishes me to mention, that Avery has made application to Catlin, to take out Execution Against you. (I know not for what.)—but that Catlin has agreed with him that there shall be nothing done untill you have information of the businefs & a reasonable time &c—Dorrance wishes to know if, you wish any of the Money collected from Taylor Gaylord &c—applied to that purpose and wishes your direction in the business &c.

In the Cause of Vanhorn vs Dorrance, of which there has been so much said, The Plaintiffs suit was brought for lott Number twenty one—And in fact the lot now proves to be lot number Twenty—and has lately been sold on an execu-tion to pay a debt of Vanhorns &c—As you wrote me that you should call on the Clerk and get a Certificate from the docket of the Supreme Court of the U States &c Perhaps there may be Error yet filed in that Court And that whole businefs put in its proper position.—As it was not Confirmed by the Supreme Court it certainly can yet be called up—and the mistake of the number of the lot would be a fatal Error in the verdict &c——lot number 21. does not nor never did belong to Vanhorn even under their userpatin laws &c

I am happy to hear that so many friends are writeing to the Members in Congrefs on the Subject of Our Claim and I can but hope the Connecticut friends write to you and If they have any humanity left in them I am sure that they will forward on some relief to you

If I mistake not I wrote you last week. that Mr & Mrs Colt were gone to Athens—and That I was here—as usual &c—I received a letter from Mr. Colt by this—evenings Mail dated at Athens last thursday in Answer to one that I wrote him in which I copied a part of yours with Mr. Giles observations &c—Colt says they say news from Colo. Jenkins, thank God is *favourable* &c

Wish you to write by every Mail—or every week and a letter will find me or some one in my absence—as it is a matter of great Importance to have Information from day to day—and If you knew how anxious all your friends are to hear from you you would write day and night——

M^r. Welles⁷ has written a line to you and he has wrote almost two sheets of paper to M^r. Goddard⁸ stating many things but as he has not quite completed what he wished to forward it must be omited untill *next Mail*

Our late friend Majir Oliver Dodge, has been no more since some of the first days in this Month——

With respect I am Yours to serve

Ezekiel Hyde

Colo John Jenkins

Endorsed: Samuel Baldwins Letter 20th Febuary

Easton, Pa

Feby 22nd 1802

Way Paid .17

Addressed: Col^o John Jenkins City of, *Washington Columbia*

VIII.

Stockbridge, Dec^r. 30 1801

Dear Sir,

Soon after my return, I wrote Judge Bacon, Mr. Lincoln, the Att^y General, & Mr. Grainger, on the subject of your Petition, stating & urging the necessity and policy of providing an impartial tribunal for the trial of all controversies between citizens of the same state claiming lands under grants of different States; & particularly explaining the propriety of it in your case. I have not yet rec^d. any answers. That part of the President's Mefsage, which relates to amendments in the mode of Jury trial, seems to open an easy way to your Petition.

⁷ Rosewell Welles.

⁸ Calvin Goddard, Member of Congress from Connecticut.

Your favour covering copies of your Petitions came safe to my hand. Since which I have not heard from any of you. As I see nothing in the Papers, relative to an objection against your seat in the Legislature, I presume no attempt of that kind was made. If any thing should transpire in your Legislature, on the subject of your Connecticut claim, or the situation of your affairs generally, I shall hope to be informed of it.

I have employed some leisure hours in drawing an argument on the subject of your approaching trials under the intrusion law, for the sake of throwing in my mite into the Common cause. It contains about 5 sheets. In the first place an Analysis of the offences created by the two Sections. 2^{ndly} An attempt to demonstrate the right of the Jury to decide the law as well as the fact. 3^{rdly} That an unconstitutional Act of Legislature is to be considered void by the Court. & 4^{thly} That each of those Statutes, the Intrusion Act & the Supplement, are thus unconstitutional. It was my intention to inclose it to Mr. Dicke, for the inspection of your Counsel. But, at the request of Gen. Pepoon, I have inclosed it to Mr. Bacon, our Representative, to be communicated to you, on your arrival at Washington; with a view to your making any use you may think proper of it on the subject of your Petition. Gen. Pepoon's idea is that it will be useful, to shew the nature of the State laws attempted to be inforced, in order to convince Congrefs of the necessity of Congresional interference in your favour.

In the 12 Sect. of the Judiciary Act of the U. S. in order to remove a Cause for trial to the Federal Court, on the ground of a title derived from another State, it is required that the party shall state to the Court & make affidavit, if they require it, "that the claimant shall rely upon a right or title to the land, under a grant from a State, other than that, in which the suit is pending, & produce the original grant or an exemplification of it, except where the loss of public records

shall put it out of his power. Under such a provision it might be difficult for your claimants to bring themselves within a right to remove their causes, for want of such a *grant*. If Congrefs, therefore, shall take up & remodify the provision, it will be adviseable to have some friend attend to the subject, so as to make the provision broad enough to admit your cases, beyond all cavil or doubt. The statute seems to respect cases of direct grants to the particular parties in Court. But where a multitude claim under a general grant, each one ought never to be required to produce the original grant. An office Copy, or sworn Copy of the common grant, should be allowed. So also in cases of losfs, the exception should not be confined to losses of *public* records. So also, where the grant has been, as in your case, by the confirmation of an Indian Purchase, a direct grant ought not to be required; Altho the ground of title, whether a Legislative act, or whatever it is, should perhaps be stated. I merely hint the subject, that you may be careful to have it attended to.

I shall write Mr. Dick, & inform him, that I have transmitted a sketch of an argument on the subject, in the manner above stated. You can afterwards communicate it to him & your other Counsel, & make any use you please of it. If there would be a propriety or advantage in publishing it, after a while, I shall have no objection. My object has been to aid your cause.

With the warmest wishes for your succeſs, I am,

Dear Sir, your humble Servant,

Barnabas Bidwell

Col. Franklin—

Endorsed: Stockbridge Dec. 31

Addressed: Col. John Franklin, Member of the Legislature
of Pennsylvania Lancaster—or at the City of
Washington

IX.

New : York. 4th Jan^y—1802.

fir—

Herewith You will receive [] of the Pamphlets—they came by the stage to me on the 3^d Inst—I shall send a considerable number to Co^l Franklin—He will probable have an opportunity to furnish You with more should You have occasion therefor. I wrote You p^r Mail some days past—at the same time I wrote K. K. Van Renselaer Esq^r and John P. Van Neis Esq^r Representatives from this State. I wish You would deliver Each of them a Pamphlet. There is a Col Thomas⁹ from this State on whom I think it will be adviseable for You to call—He married a daughter of Stephen Hogeboom Esq^r of Claverack who You know is a Susquehannah Man. If you can get acquainted with Lucas Elmen-dorf Esq^r a Member from the State of New-York prevail on him to read one of the Pamphlets. He is a violent opposer of the Connecticut claim. I expect he hath never had much information as to the merits of the controversy. I hope You have a number of copies of the letters of Cyrus Griffen Esq^r to B. Bidwell Esq^r. If you have not I think You had better have it printed in the Washington papers—That letter is a very material piece of testimony And will convince many of the improper conduct of the Commissioners who decided at Trenton. The letter to Gov^r Dickenson sign'd by four of the Commissioners ought to be publish'd in the papers. Indeed there are many parts of the Pamphlet that might be extracted and printed in the Newspapers to advantage. The People of the United States generally speaking have but a very imperfect knowledge of the Susquehannah dispute—The occupants have been represented to the world as Intruders without any pretence of title. The Pennsylvania Landholders have had and still have great Influence throughout the Union and in

⁹ David Thomas, member of Congress from New York.

Government—The Connecticut Claimants have a difficult task to perform However I feel confident that with proper attention they will eventually have success. I shall get every person of my acquaintance that is well dispos'd to write to some freind in Congrefs—On my part I will do all I can to have measures adopted that will enable the Susquehannah Company to have a fair and Impartial trial. I have spent a great deal of Money & time to acquire property under the title of the Susquehannah Company. And I have ever considered the claim good. I shall use all by abilities to convince others.

I have convers'd considerably with a M^r Hastings a Gentlⁿ from Worcester County in Mafsachusetts—He is a Member of Congrefs. He hath been so good as to take charge of the Pamphlets—I expect M^r Hastings will afisit You very materially. Don't fail seeing & conversing with him. He is a Lawyer.

I want You should write me how you succeed. direct for me at N^o 5—Cortlandt Street New-York.

There is not any thing new that is worthy of commun-
cating.

I remain Yours &c

Elihu Chauncey Goodrich

Col^l John Jenkins at Washington—.

Endorsed: Rec^d 11th Jany 1802 Letter from Goodrich

Addressed: Col^l John Jenkins now at the City of Washington Fav^d by S. Hastings Esqr *with a Box of pamphlets*

X.

New-York-6th January 1802.

Sir—

I can now acknowledge the rec^t of your letter dated the 1st Inst. Am very glad to hear that the Susquehannah cause is

gaining ground at Washington—Hope that it will have an impartial investigation notwithstanding the opposition of the State of Pennsylvania and her Landholders. It will be necessary to distribute the Pamphlets in such a manner that the members of every State can have a perusal. Although the Controversy hath long existed and is of the highest importance yet very few of the Leading Characters in the United States have examined into the Merits. In my letter by M^r Hastings¹⁰ who took charge of a Box of Pamphlets for You I mention'd that in my opinion it would be a good plan to have the letter of Cyrus Griffen Esqr to B: Bidwell Esqr publish'd in the papers in WASHINGTON. Also the letter of 4.—of the Commissioners to Governor Dickenson—there are several parts of the Pamphlet that it will be well to extract & have publish'd in the News-papers. Many of the Members will not read the whole Pamphlet. I intend to get the printers in this City to publish extracts. You may rest asur'd that I shall make use of all the Influence in my power—I have written to some of the Representatives, shall write to others. I have requested several Gentlemen here to write to Members of their acquaintance—I consider it an advantage to gain friends to our cause in every part of the Union. Yesterday I rec'd a letter from Col^l Franklin—He don't write any thing very special. I expect you get letters from him frequently he is so much nigher to Yourself than to me the Communication is quicker. I intend writing to M^r Bidwell, Gen^l Pepoon and a number of others in the Country. If You have leisure I think it will be adviseable for You to drop a line to some of your acquaintances to the Northward. It is necessary to make every person interested believe that they are likely to get something if they give their aid. People have made so many unprofitable speculations that they are very unwilling to contribute untill the prospect is very fair. I want You should write Me a letter that will answer to shew to a number

¹⁰ Member of Congress from Massachusetts, who took his seat January 11, 1802. Ann. Cong., 7th Cong., 1st. sess., 416.

of the Susq^h Proprietors here. You must urge the necessity of every persons paying the tax. Mention that now is the last time of making an effort to get relief—that every one must aid all in his power. Give the business as favorable a complexion as circumstances will admit as to businefs you are on. Let me know who you can consider on our fide. Write Me how to direct for You. M^r Hastings will lodge at a M^r Frosts—I think M^r H. will do all he can for us—He is a new Member—I cannot say how long I shall remain here. You may continue to direct for N^o 5. Cortlandt Street New York untill I give You different directions Write Me often—I am anxious to hear how the Affair progreses

I am Yours &c

Elihu Chauncey Goodrich

Col^l John Jenkins.

Endorsed: E. C. Goodrich Letter

Addressed: Col^l John Jenkins City of Washington

XI.

New-York. 13th January 1802

Sir—

In the Minutes of the proceedings of Congrefs I have seen that the Petition was referr'd¹¹—However there are some remarks which carry the idea that even those who were for the referrence would oppose granting any relief. This ought

¹¹The petition of the Connecticut claimants was presented to the House January 5, 1802, and after some debate was referred to the committee which had been appointed to inquire into the judiciary. John Randolph was one of those who opposed the reference of the petition; it was declared that Congress had no power to interfere in the question, that it was a judicial question which had been finally determined by the highest judicial authority, and that the rights of Pennsylvania had been conclusively established so that Congress could do nothing that would impair them. The reference to the Committee was not in itself a point gained for the Connecticut claimants, since the reference was based upon the fact that the petition was indirectly related to the contemplated revision of the judicial system. Ann. Cong., 7th Cong., 1st. sess., 375-376.

not however to prevent using exery exertion. The Susquehannah claim is gaining ground rapidly— Very few Persons who take time to study the subject (except those who are prejudic'd or employ'd by the Pennsylvanians) will pas sentence against it. I am therefore of opinion that it is adviseable to delay urging a decision. The main point to attend at present is to get those who are not fix'd in their opinions to study the merits of the dispute. A judicious distribution of the Pamphlets is of importance. A publication of some extracts will probably do good. As well as circulating copies of the letter of Cyrus Griffen Esqr. I have spoken to a number of Gentlemen of my acquaintance and have requested they would write to the Members with whom they were in the habits of intimacy—They have assured me they would. All I can do shall be done.

I sent Col Franklin a number of the Pamphlets—Have a few more here that I can send You if necessary.

I wish You to write me very fully and often. I cannot acknowledge the rec^t of only one letter from You—expect by this time, there is another on the way. Direct as heretofore.

I have written to Col Franklin mentioning that in my opinion if the cruelties exercis'd by the Pennsylvanians towards the Inhabitants of the Susquehannah Country—if the sufferings of the Occupants during the late war were properly represented to the Publick it would have a good effect—if I was sufficiently acquainted with the history of those transactions I would soon exhibit them.

I had written thus far when the News paper was handed Me in which was publish'd some proceedings of the Senate of the United State relative to the Law pas'd last session establishing a Judiciary system. Should that Act be repeal'd I think something will be done in passing another that will reach the Susquehannah controversy— An impartial trial as to the right of soil is all that the Connecticut Claimants desire.

Should that be denied in a matter of the Magnitude of the aforesaid dispute I should be astonish'd.

I observe that Many consider the Trenton Decree so extensive as to take in the whole Matter of controversy—But I should suppose they had never examin'd the Articles of confederation—. M^r Bidwell hath touch'd on that point in the Pamphlet very properly.

There is nothing new in circulation here. A few heavy failures of Shippers have happen'd within a few days and more will probably take place soon. Produce is very low. In fact there is very little businefs transacted

I remain Yours &c

Elihu Chauncey Goodrich

Col^l. John Jenkins Washington

Endorsed: Goodrich Letter

Addressed: Co^l John Jenkins at the City of Washington

XII.

New-York—23^d January 1802

Sir—

This will be handed You by a M^r Canfield an acquaintance of mine and a good friend to the Susquehannah cause. Although he hath no Interest under the Connecticut Claim He hath a Brother who is an Occupant—And a Son in law who is a considerable Proprietor.

M^r. Canfield hath a letter for Co^l Thomas. He is acquainted with M^r Dana and will probably be introduced to others. This subject is much convers'd on.—and the Connecticut Claimants gain ground very fast. I have not seen an Individual that hath perus'd the Pamphlet and the letter of Cyrus Griffin Esq^r But what declares that the private right of soil remains to be tried. The Trenton Decree did not affect the Soil is the general opinion—And all parties declare that the Occupants ought to have a fair and candid

hearing. I have obtain'd several letters—to Members—Mr Davis hath been written to. Mr Mitchel, Col^l. Walker, Col^l Thomas, Mr Van Nefs, Mr Van Renfselear.¹² This day Mr Kirby from Litchfield Connecticut engag'd to write to some of his acquaintances. I wrote to Doctor Johnson¹³ and stated very fully what you desir'd. I saw the Doct^rs son in this City —He told Me he would remind his Father of the busineſs. I am of the opinion the Doct^r will be very particular in his communication. I wrote to Elisha Hide Esqr—I desir'd him to ftir up the Proprietors of the Delaware purchase—I wrote to Col^l. Franklin and inform'd him that there were Many of the Non residents who would pay the taxes if any person was authoris'd to call on them at their houses with the Amt^t. I think it would be well to send some person to Connect^t, Mafsachusetts &c on purpose If the Col^l or any one authoris'd will send on a power to me I will send round & the expence shall not be much—While the question is pending is the time to collect. I wish you would advise Me of the names of the Members who will support our Petition in the House and who oppose. I want to know who are friendly that are influential. Perhaps I can get them some letters that will give them Aid on the Argument. If I recollect right a question some what similar to what will come up on our Petition was before Congrefs a few years paſt. Brought forward by this State in order to take the trial of the Gore causes from Connecticut—I am still of opinion that is is not adviseable to hasten a report of the Committee unleſs You are fully convinc'd they will Report favorable and that a Majority of Congrefs will accept of the Report—I am making arrangements to fend You on some Money—Shall wait however till I hear whither You will tarry untill it can reach You. I am desirous of knowing your determination as to continuing at

¹² Samuel L. Mitchell, Benjamin Walker, David Thomas, John P. Van Ness, and Killian K. Van Rensselaer, Members of Congress from New York.

¹³ Dr. William Samuel Johnson, president of Columbia University.

Washington. I have some idea of making you a visit there could I be certain of your continuance. Please to write Me frequently. And be as particular as circumstances will admit and leisure allow—Mr Canfield will return to Lansingburgh in a few days—By him You will have a good opportunity to write me—I have requested him to come by the way of Lancaster and see Col^l Franklin—He might get information from the Col^l. as to several matters. I have not time to add only that I remain Yours &c

Elihu Chauncey Goodrich

Col^l. John Jenkins

Addressed: Col^l John Jenkins—at Mr Charles Roger's Washington Fav^d by Mr Canfield

XIII.

Lancaster 28th of Feby 1802

Sir

Yours of the 19th I Received late last evening, I am informed that the Schoolkinls was very high that the Stage was detained Several hours in crofsing. We had a fevere storm of Snow last Monday but the rain since that has taken it off that the ground is now bare. I think the Susquehannah will be high I have not heard what quantity of Snow fell at the Northward I received a letter from Major Gaylord last evening dated at Wyolusing the 17th Inst fays they have had a remarkable winter that there has not been snow enough to cover the ground I also Receivd a letter from Col^o Hyde dated at Wilksbarra the 20th Inst. He give no account of the Delaware Companies. He fays he has received Letter from you in which you had mentioned some observations made by Mr Giles on our Petition, he also states that Col^o E Dyer has wrote a lengthy Letter to his Grandson, Thos Dyer at Wilksbarra on the subjetc of our claim, the old Gentleman wants to hear from Susq^h. He reprobates the Intrusion Laws as

being unconstitutional says that an impartial Court must condemn those Laws and Judge them to be void—being against reason, right and Justice—partial as pointing out particular Inhabitants different from others in the same community—making it criminal to assert or claim their right in a legal way &c—Observes that he has heard that Mr Bidwell has undertaken to espouse our cause says he believes there is no one more able the old Gentleman says many things respecting our Indian title—approbated by the State of Connecticut &—that the Trenton trial never reached the right of soil—says that Pennsy^a have no title that are neither heirs of Penn, or purchased of the Penns, that the claim of Pennsy^a is a mere forced one he says that the Cession of Connecticut of the Connecticut Reserve cannot affect the Susqh Claim—he reprobates the collusion and intreague of the Party claiming the reserve and says if it had not been for the Susqh and Delaware Companies exertions there would have been no reserve—he says many hard things against the reserve Company—the old Gentleman says that his Grandson must not wonder that his Grandfather though an old man above 80 years is fond of Susquehannah, he considers it as his own child for which he laboured many years &c—I have not had a Letter from Goodrich since the 19th of Jany—I have not wrote to him as I thought he had most likely gone to Washington—I have this Day wrote two large sheets out to send to Kingsberry—I shall write to Hyde this evening—and will sooon write to our old friend Col^o Dyer. I shall send you the territorial Bill in the form of a news paper, it will be well for the com^{tee} to see the Bill. It is another Intrusion Law, that Bill nor the Supplement relative to the 17 Towns have neither of them been taken up—the supplement is intended to reach the whole of the 17 towns whether held under Pennsylvania titles before or since the Trenton Decree that it may be released—that the Connecticut settlers may hold all the Lands in the 17 Towns that was taken up before the s^d

Decree if they apply for it that if the Pennsy^a Claimants Refuse to Release they shall not have an Action in this State against the Settlers who apply and make out the title, but may institute a fuit against the State &c the Act is also to extend to the old pitches that were actually fettled and improved before the Trenton Decree and not otherwise—upon examining this Bill and the teritorial bill it appears to be the object to divide the settlers in Luzerne, to fet those in the 17 Towns to quarrelling with the others—I am of opinion that if Congrefs grants the prayer of our Petition it will alter the tone of our advances—Strawbridge is here waiting on the businefs. I believe Hodgedon and Tilghman have gone home two lengthy pieces have lately appeared in Poulsons paper in answer to the Publications against our Claim—I have not had time to fend the third, but Shall write sooon—A Writer in Dicksons paper printed in this borrough under the Signature of Cicero has published two numbers addressed to Yankoo—there were answered by Yankoo in Hamiltons paper last Saturday—I am writing for publication when I can get time but have so much to attend too on Committees after adjournment that [I] have not much time except Sundays—which I o[bserve] most facredly—I shall sooon write to Goodrich. My advice is to you is to stnd it out, not hurry. I am sure our friends will not complain at lest those who have any knowledge of the mode of conducedg businefs in publick bodies we must endure to the end, and I believe that we shall be saved. write often I am Sir in haste your most obt Serv't

John Franklin

Col^o Jenkins

Addressed: Col^o John Jenkins City of Washington at Mr C Rogers, at the Fountain Inn—

XIV.

Ulster 8th Decem^{br} 1801

Sir—

Agreeably to your request I have wrote Esqr Goddard on the subject of our matters relative to the dispute with the Penfylvania Land claimants I have forwarded you a copy of the Letter by Co^{ll} Spalding. I have not the least hesitation but that we will engage in our cause either as council or as a Legislator—and we may be afsured he will be faithful wherever he engages as council he is Indefatigable to carry his point if you have one of Bidwells pamphlets I wish you to carry one forward to him I think it will be a great guide to him in the busines—I think it necessary that the State of Penfylvania or the Land claimants should be legally cited to hear the petition before Congrefs on this subject you will undoubtedly confult Co^{ll} Franklin. I hope we shall take such measures as not to be fuftrated in the attempt our friends in Connecticut appear to be spirited—I think we shall not want for money to fee able Council—with that Unanimity and our own exertions we shall rife superior to the evils the Penfylvania Land robbers are hatching against us I am Sir with respect your

friend & Humb^l Serv^t

John Pierce

Addressed: Co^{ll} John Jenkins Kingston Penfylvania
Honrd By Co^{ll} Spalding.

GIANT POWER.

AN ADDRESS BY F. H. NEWELL,

BEFORE THE WYOMING HISTORICAL AND GEOLOGICAL SOCIETY, WILKES-BARRE, PA.,
SEPTEMBER 29, 1925.

What is giant power and why should this Society be interested? These are pertinent questions and deserve careful answers. In fact, as we try to put into words the answers to this "What" and "Why", we find that far from being an abstract proposition of academic interest we are brought face to face with some of the largest pending problems affecting each one of us in our business and in our homes.

First, as to why this Society is concerned in such matters: What have history and geology to do with these problems of to-day and to-morrow? The answer is, everything. Our plans for this month and next year all rest on our knowledge of what has happened in the past. We assume that the sun will rise to-morrow because it always has done so since the world began. We plan for meeting our taxes because history has shown that these are the inevitable accompaniment of civilization. We arrange for continuing our mining and industrial operations in certain places because our knowledge of geology shows that there are certain age-old elements of success. In short, the more we know of recent and past history, reaching back through human affairs and finally into the story of the earth and its mineral resources, the more certain we become that we are on the road to success.

Your Society, in its long years of activity, has done perhaps more than its share in laying the firm foundation of facts upon which others have built. You have stimulated, by your meetings and publications, many thoughtful men and women of whom you may never hear but who have made practical use of the knowledge imparted, or have passed it on to others. You have developed certain ideals and idealism which have helped as a guide and light to the difficult paths of present progress. For this reason it seems particularly de-

sirable that at this time you take up and diffuse information upon some of the immediately pressing questions involved in this term "giant power."

From the time of the childhood of the race we have delighted in stories of giants and of great forces. Who of us has not been thrilled by the tales of friendly giants who have helped in distress or of heroes who have attacked and overcome the bad giants? The present generation revels in stories of captains of industry and in the big figures, the millions and billions involved in gigantic business operations. Each large city is striving to become still larger and to surpass its competitors, if not in size, then in height of buildings or magnitude of financial transactions. We still have a certain childish delight in big things and at the same time we are a little afraid of them. We have a childish fear, simply because they are big and challenge our imagination. Roosevelt recognized this when he said that big business was not necessarily bad because it was big. At the same time we appreciate that great size in itself does bring in new problems such as were not met by our predecessors and are not put down in our text books.

The present generation differs from all that have gone before in the increase and still rapidly growing use of mechanical and electrical power. We are at the beginning of the "Age of Power," of gigantic forces which are doing more wonderful things than the genii who came at the rubbing of Aladdin's lamp. The problem of our future is largely in the hands of the man who holds the lamp, and thus controls the genii. The quantities of power now developed ,in the aggregate, are so big as to be little comprehended by the ordinary citizen and yet we know that these mechanical and electrical genii are still in their infancy. They have just begun to come into their own. Who will be the master? Will it be all of us, or will it be a small group of self chosen directors?

Throughout all time, to almost within our own recollection,

as shown by your historical notes, about the only forces available to the ordinary man, outside of his muscular strength, were those of the horse and other domestic animals. The farmer up to the present has had to depend almost wholly upon his own strength and that of the members of his family or hired man. By the most unremitting back-breaking toil he has been able to produce from the soil little more than enough to sustain the life of his family and of his hired workers and draft animals. As he utilized more largely the strength of horses and employed machinery which could be operated by horse power, his productive capacity increased. He found that he could feed more people. But even the use by the farmer of horse-driven machinery has made relatively slow headway except in the most advanced communities. This progress, however, has been sufficient to bring in new and difficult problems and has resulted in the reduction of area cultivated throughout large parts of the United States: this relative reduction of cropped area is bound to continue at an increasing rate as mechanical and electrical power becomes more and more available on the farm.

In short, in every occupation, beginning with the most primitive of all, farming of the soil, and continuing through mining and all the other industries, there are arising these problems, coming about from the larger use of mechanical and electrical powers; yet history shows us that, in one sense we are only at the beginning of a new set of questions.

The magnitude of the forces at work may be most simply shown by the statement that in the central stations throughout the United States there is now a capacity of twenty million horse power and in five years there will be needed a capacity of approximately thirty-six millions horse power for industrial and domestic purposes; requiring an additional investment of \$5,000,000,000 in various enterprises. (Hoover, Sept. 18, 1925).

The point to be emphasized at this time and the object for which we have come together is to consider whether with

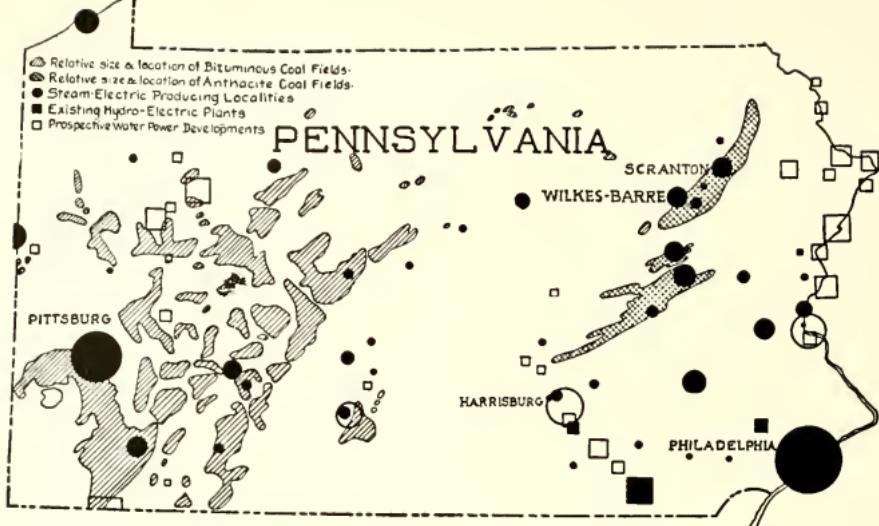


FIG. 3. COAL FIELDS AND POWER PLANT LOCATIONS IN PENNSYLVANIA.

The single cross hatched areas show the relative location and size of the bituminous fields; the double cross hatched are the anthracite fields. The circles indicate the principal steam-electric producing localities and the squares in solid black, are the existing hydro-electric plants; the squares in outline only are prospective water power developments, the size indicating the relative importance. (See p. 247).

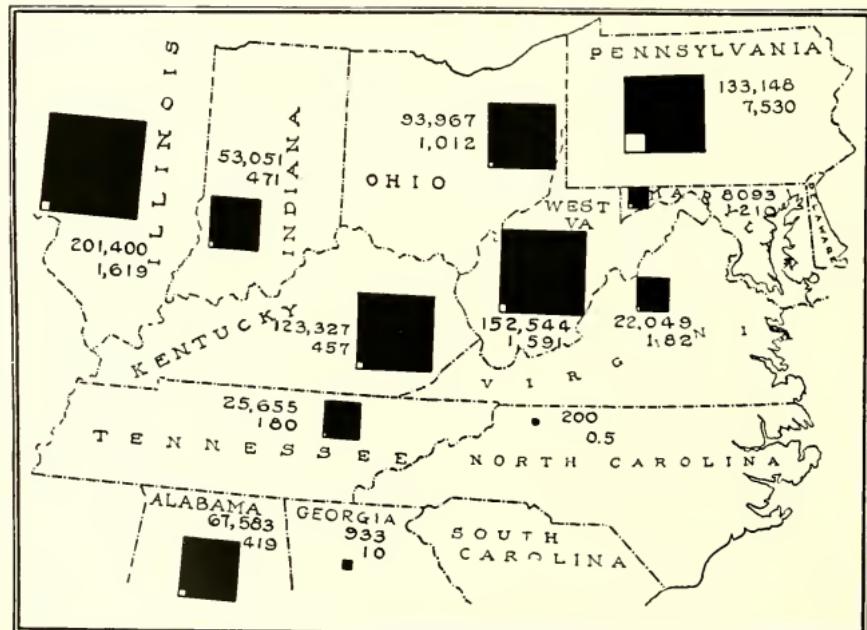


FIG. 4. AMOUNT OF COAL AVAILABLE IN CENTRAL AND EASTERN UNITED STATES.

The large black squares in each State give the relative tonnage in the ground down to the 3,000 ft. level, as shown in the upper set of accompanying figures in millions of tons. The small white squares in the lower left hand corner of each black square show the relative amount mined to date, as given in the lower row of figures. That is in Pennsylvania, there are estimated to have been 133,148,000,000 tons of which 7,530,000,000 have been mined. (See p. 248).

large knowledge of the magnitude of the problems, we can more effectively "do our bit" toward helping the earliest and best solutions of these problems growing out of the ever widening use of power. If so, how can we do it? The answer is in knowing broadly the facts, in considering the tendencies of the times and in applying the principles successfully tried out by our predecessors.

In speaking of power and its uses our first question is as to where it comes from; how is it obtained? There flashes on the mind the picture of Niagara and the millions of potential horse-power in the falling water. Then we recall the many other water powers or rapids of less magnitude, and the innumerable rivers whose waters, held back by large dams might be available for hydroelectric power. In the popular mind there is enough water power unused to turn all the wheels of industry and of commerce. The facts are, however, that the careful measurements of rivers now available for power, or that might be used, show that the volume of flow is below the present or prospective needs. If every river in the United States were put to its full use, there would still be necessity of burning annually millions of tons of coal to create power for present needs.

In the State of Pennsylvania there are estimated to be about 700,000 horse power to be had from the rivers flowing idly to the ocean. Only a portion of this can be economically developed since the first cost and maintenance of the necessary dams and other expensive structures far exceeds the comparable cost of installation and operation of steam electric plants dependent upon the burning of coal, obtainable to the extent of billions of tons from the Pennsylvania fields.—enough for several hundred years at the present rate of use.

The accompanying diagram, FIG. 3, has been prepared to give a comparative view of the location and extent of the coal fields of Pennsylvania, also of the existing steam and hydroelectric plants in operation or proposed. The number and size of the steam plants may be indefinitely increased,

but the water power plants are limited and are steadily decreasing in number as steam electric power replaces them. The cheaper power from central stations and the interconnected transmission lines have put out of use hundreds of the smaller widely scattered water powers, as well as thousands of steam engines.

Will not the Pennsylvania coal supply be exhausted? The best of it, that is the thicker beds, may give out in a few generations or a century, and the mining of the thinner beds may give rise to difficulties. But Pennsylvania is only one of the many States, each having large deposits of workable coal, as indicated on FIG. 4.

If we indulge in a few figures of big business, we find that according to the latest United States census there were in the United States over 105,000,000 people, or more than 24,000,000 families living in over 20,000,000 homes. These people, in their industries and occupations, used last year over 60,000 million kilowat hours, generated largely in central power stations with a capacity of over 20,000,000 horse power.

To erect the necessary machinery an expenditure of over six billions was made, and from this last year a gross revenue of a billion and a third dollars was had. A total of 16,000,000 customers was served, and of these customers nearly 300,000 owned an average of seven shares in the business. Comparing municipal plants and those commercially owned, it appears that the municipal plants supplied less than five per cent. of the total output.

The voltage has steadily increased from a maximum of 4,000 volts in 1889 to 220,000 volts at the present time. The mileage of transmission lines in the United States has grown to 102,000 circuit miles and the distribution to 417,000 circuit miles. The electric power and light companies have over 155,000 employees. About 40 per cent. of the population of the United States lives in electrically lighted dwellings, but less than 2 per cent. of the railroad mileage of the country is

electrified. Of the 6,000,000 farms in the United States, about 12 per cent. are supplied with electricity.

Coming back again to the State of Pennsylvania; about a fifth of the area of the State has access to electric service, but 75 per cent. of the population is within this area, which may be supplied from existing power lines. The farms of the State are largely without access to electric service, but 75 per cent. of the population is within this area, which may be supplied from existing power lines. The farms of the State are largely without the benefits of electric service, since of the 200,000 farms only about 12,000, or 6 per cent., have electric utility service. The rates and conditions of service on the farms have been notably high as compared with large sections of agricultural land in Canada, Wisconsin, California and elsewhere, where, with more moderate rates for service, the farmers have become important users of current.

Of the total current delivered to all consumers in Pennsylvania less than 10 per cent. is for so-called domestic use. It is thus apparent that the present development of the electrical industry is mainly for power purposes, and not for lighting. Two-thirds of the industrial power is applied electrically.

The electric power now sold in Pennsylvania is derived mainly from the burning of coal, 89 per cent. being generated by fuel and only 11 per cent. by water power. Studies of the water resources show that the water power possibilities in Pennsylvania will not supply more than about 10 per cent. of the power requirements of the State. It is evident, therefore, that we must look to the use of coal for power, and this in ever-increasing quantities.

Within the State there are already in service transmission lines of 220,000 volts, and others of this voltage are planned. This permits of the transmission of large quantities of electric power without serious losses for upwards of three hundred miles. The distance across the State, that is from Pittsburgh to Philadelphia, by rail is almost three hundred and fifty

miles. The total cost of transmitting electric power from the Pittsburgh district to the vicinity of Philadelphia is placed at less than 1.2 mills per kwh.

Each power system in Pennsylvania built its own relatively small power station independently of all others, and with regard mainly to immediate profits, and with little consideration of future combinations or of the cheapest possible conditions which may be available. Of the electric current sold in Pennsylvania, 98 per cent. has been produced by systems controlled by fifteen holding companies, and about 2 per cent. has been supplied by 155 local companies and fifty-five municipal plants. There is a tendency towards consolidation, and in a few years there will be fewer, possibly only one or two companies, or groups of individuals, controlling virtually the whole electric power business of the State.

The reason frequently given for transporting the fuel from Western Pennsylvania to the large power stations on or near the sea-coast is the fact that enormous quantities of cold water are needed for economy in operation in condensing the steam used in the modern high-power engine. For every ton of coal burned from 400 to 600 tons of water are required. It is commonly stated that very large power plants cannot be operated economically in the vicinity of the coal mines because of the lack, during the dry periods of the year, of these necessarily large volumes of water. A study of the conditions, however, shows that cooling or condensing water can be made available in sufficient volume in Western Pennsylvania to make operation possible. This can be done either by locating the power stations along the Allegheny or Monongahela rivers, or on the Ohio itself below Pittsburgh, or by using devices such as storage reservoirs, circulating ponds or cooling towers such as are built by large power plants in European countries, dependent upon small streams.

The waste in fuel, by hauling the coal from the vicinity of the mines to the sea coast, may be more evident if we picture to ourselves the long lines of coal cars and appreciate that a

Water Power Plant of the Pennsylvania Water and Water Power Company, at Holtwood, on the Lower Susquehanna River.





third of the total ton miles of freight hauled on the railroads in Pennsylvania consists of coal to use in the State. Also that three times as much coal is being burned in the steam locomotives of the State as would be used if the railroads were electrified, and continued to haul the same amount of traffic. It is estimated that by electrifying the steam railroads it would be possible to save seven and a half million tons of coal each year in Pennsylvania alone.

The greatest saving, however, will come about when it becomes possible to burn for fuel not the "raw" coal but a prepared fuel from which has been taken the valuable by-products which are now wasted, wherever high volatile bituminous coals are used. Many of these possible by-products go up the chimney in the form of smoke or soot from the imperfectly used coal. They become a nuisance and an actual injury to health and property, to an amount of millions of dollars a year.

The pre-treatment of bituminous coal on a large scale, most economical for giant power plants, will supply large amounts of gas which may be made to take the place in part of the failing natural gas. It will also furnish acceptable gasoline for auto and other internal combustion engines. Among the other by-products may be the tars and pitches for road building, ammonia for fertilizer, and other substances for all of which there is an increasing market in the face of the early decline in the natural supplies of these materials. Our present wasteful methods of consuming the highly volatile bituminous coal will be looked upon by our descendants as an instance of the prodigality of the present generation, one not far removed from barbarism. They will look back upon us with our (to them) inexcusable waste, as we now look back upon our predecessors who ruthlessly destroyed the forests.

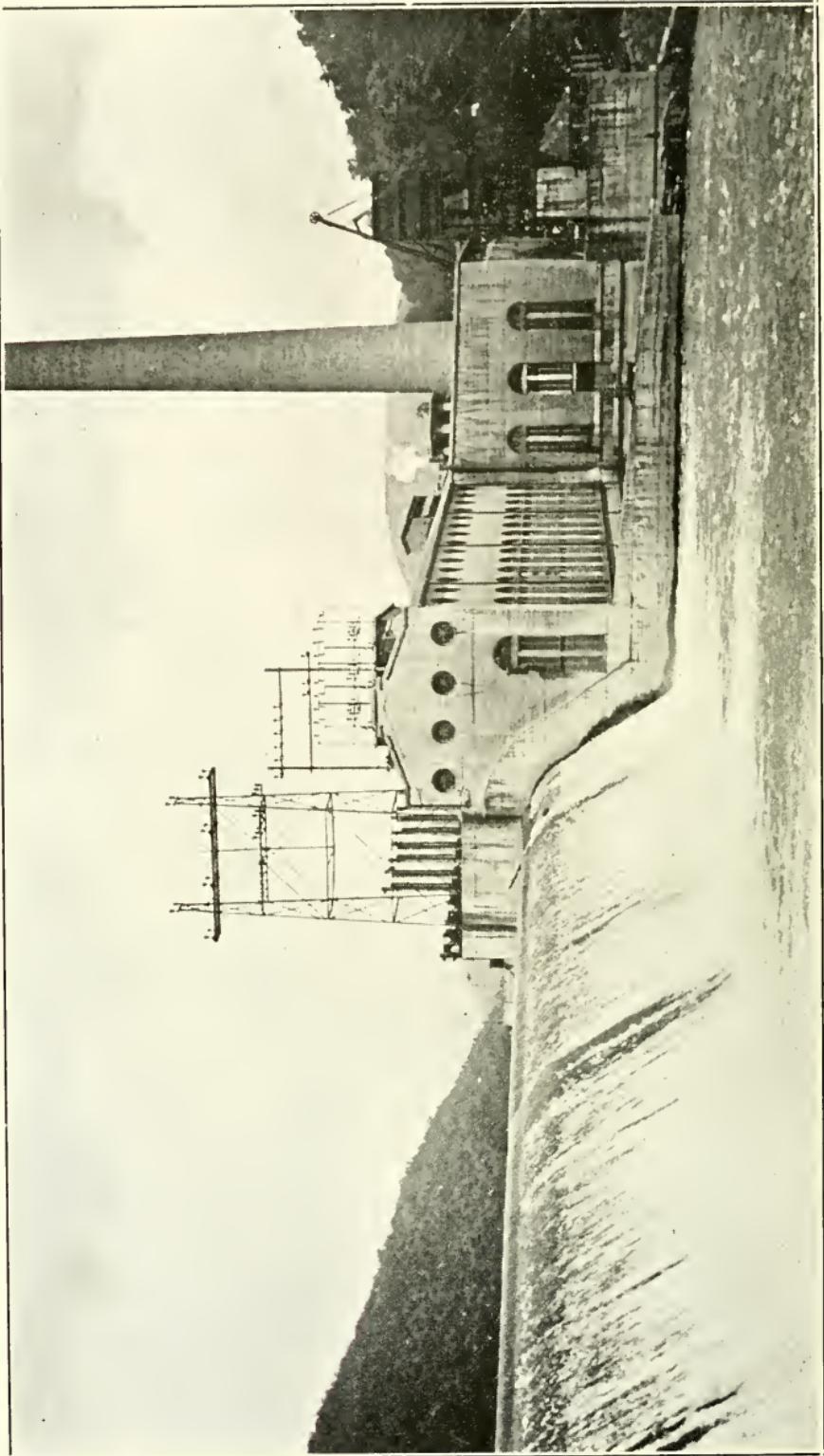
Your studies of the history of this valley, its settlement and the development of its industries, supplemented by your knowledge of the geology and mineral resources, enable you

to take a long range view of these things and to comprehend perhaps more clearly than many others that there is a steady, continuous unfolding of events, and of methods of evolution which is going on with increasing rapidity, particularly in the mechanical lines, bringing in great benefits and at the same time containing the seeds of social decay. We know from looking back on the past that we cannot stop this progress, even if we would, but that we can direct it upward and onward for the larger benefit of humanity as a whole, or, by neglect, we can let it trend downward to our injury. That is, we may guide and direct, but we cannot stop the changes which are taking place. It is of vital importance to us that we know something of the magnitude of these changes and of the forces which control them.

In these discussions of the development and best use of mechanical and electrical power, we find that there are two terms in common use, apparently interchangeable and yet having widely different significance, as great, for example, as between Republican or Democratic forms of government. To the citizen on Main street it makes little difference whether the orator speaks about a Republican or Democratic form of government. It is all the same to him and yet to the statesman there is a vast difference. In the same way we talk loosely of these great forces just described, and refer to them as "superpower" or "giant power", meaning practically the same thing, yet there is as great a difference in the minds of statesmen as there is between the words Republican or Democratic government.

In the term "superpower" we include the great development which is now taking place, in which larger and larger generating stations dependent upon water power or steam power are being built, and larger and longer transmission lines constructed, not merely distributing power but connecting with each other, until there is rapidly extending over the United States a network of inter-connected lines comparable to the great railroad systems which have done so much in the

Water Power Plant of the Penn Central Power Company, above Huntingdon on the Juniata River, Pennsylvania.



development of the population and resources of the country. Soon we may have an inter-connected system extending from Western Pennsylvania along the Appalachian mountains nearly to the Gulf of Mexico. All of these lines are built and connected up primarily for one purpose, namely, that of making money for the promoters and investors in these great systems. That is the first consideration and unless it can be shown without shadow of doubt that the promoter can make a profit, these gigantic enterprises are not undertaken.

No disparagement is intended of the promoter or the individual we would more properly call the "undertaker" if this useful word had not been commonly employed in another way. We owe a debt of gratitude to the promoter, the "superman" who by his skill, intelligence and especially his boldness has brought about the "superpower" system. Yet we must recognize that at the bottom his motives have been those of financial gain, but where successful it has been an intelligent and generally commendable self-interest. He has learned that in order to make a profit his enterprise must be of service and value to others and thus his secondary motive has been service, as a necessary incident to profit.

Contrasted with this is the term "giant power"; this also includes the building of great generating stations, of transmission lines and all of the devices included under the term "superpower" but here is the essential difference in the ultimate goal to be reached; that is the largest possible service to humanity. At the same time the advocates of giant power do not overlook the question of profit because they are well aware that no great developments of this kind can be maintained unless as a whole they are self-supporting and yield a fair profit to the men who take the risk. The emphasis is placed upon service and then upon fair profit rather than upon profit first and fair service second.

This distinction to some seems like the splitting of a hair and to be of no particular importance any more than the question is whether we "eat to live" or "live to eat." In

either case we expect to live. Or it may be to them as unimportant as it is whether we have a republican form of government or a democratic. In either case the people are supposed to be the ultimate source of power and yet the determination of these questions may seriously involve our whole social structure. The distinction can, perhaps, be covered by the difference between "big profits and moderate service" as in contrast with this: "big service and moderate profits."

At the very outset we must recognize that the captains of industry of the country, the great bankers and other self-appointed dictators of finance and industry are thoroughly convinced that superpower and the ideas conveyed by it are the only logical and businesslike conception. They bring to their support the opinions of some engineers and economists; yet at the same time there are other men who venture to differ and to hold to the view that in the same way that the democratic form of government may be superior to a republican, the giant power idea if intelligently followed must in this outcome be of greater value to the human race than the superpower. Many financial leaders believe that the control and direction of these great powers cannot be safely entrusted to the public or to men chosen by the public, but must be left to a relatively small group of experts in development and finance, to the same class of men who, for example, during the past generation have built up the great railroad systems and who spread the network of inter-connected transportation throughout the country.

These leaders admit that in the past the promoters have made some errors and that, due to these, the public has been forced to adopt a system of control of the railroads through the Interstate Commerce Commission and railroad commissions in each State, but they claim that the lesson has been taught and that in the great developments of superpower there will be a larger consideration of public interest and that these giants of industry will be good giants in this relatively new enterprise, and will give more consideration to service

and less to making of profits than was true in the case of the railroads. In connection with this Mr. Herbert Hoover has been quoted as saying: "The majority of men who dominate the industry themselves belong to a new school of public understanding as to the responsibility of big business to the people."

There is, however, a group of thinkers who do not fully agree with this optimistic statement. They point to the fact that in these consolidations and interconnection of systems, while it is true that the public is better served and at more favorable terms than before, yet inordinate profits are being made and that there are dangers developing comparable to those which resulted from the uncontrolled consolidation of the railroads. They claim that the history of the past is being repeated, in slightly different form it is true, but that the public should be warned and should give heed to present conditions and tendencies; also that all of the added comforts, conveniences and general prosperity which are promised by the superpower conception can be had through giant power and with added security and many additional benefits.

In the short time which can be given to this subject only a few of the more simple points of difference between giant power and superpower can be mentioned. Perhaps the best way of approach may be through a recital of some of the criticisms, and as an illustration of the difference may be noted the underlying conception of what may be called the "giant power" system of our neighbor Ontario as contrasted with the superpower systems on the eastern side of Niagara river.

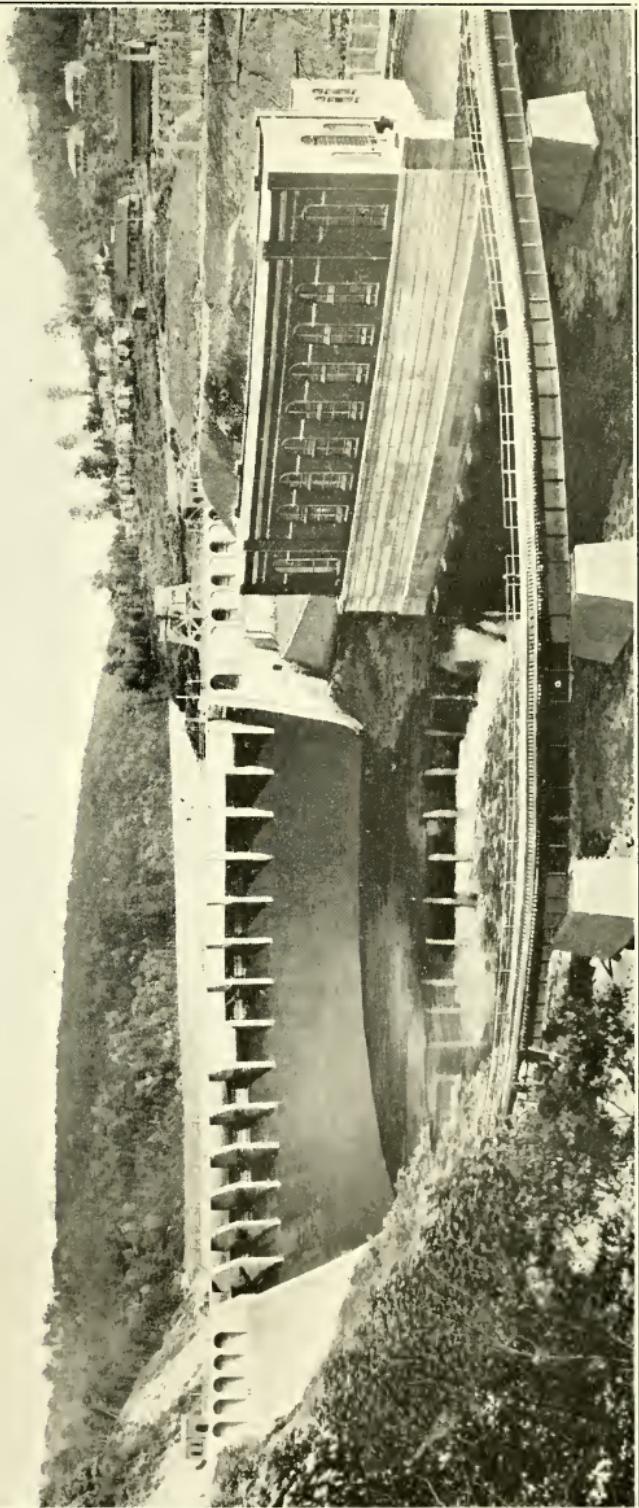
Starting primarily with the thought of service, the rates for such service in Ontario have been adjusted not with the first conception of the ordinary railroad and power manager of "the highest rates that the traffic will bear," but with a view to the widest service to the largest number. Especial attention has been given to the great group of smaller users particularly the farmers; they have been favored at the

expense of the larger users, a principle which is the exact reverse of that which ordinarily governs in superpower enterprises. That is to say, all expenses are covered and a fair return on the whole enterprise is assumed even though the charges to the many little users have been cut down to a few cents per unit. To offset this, a small and hardly noticeable increase is made to the larger users; by so doing it has been possible to widely extend the service. This is without crippling the larger user, the assumption being made, if he is a manufacturer, that his charge can be distributed over the business.

But the opponents of the giant power ideal say that this should not be done. They urge that if the larger user pays a fraction of a cent more for power than it actually costs he may be driven out of business by his competitors. This, however, is a matter of fact, determined by actual conditions; on a purely hypothetical basis either side may prove its case. The point is that it works! The advocates of the giant power idea insist that the service to thousands of small, widely distributed users is more valuable to the state and to the nation than the larger profits to a few men and that the returns as a whole are adequate to support the investment.

The critics of the ideals of giant power give as one of their objections the suggested subdivision of the whole matter into the three units of (1) generation, (2) transmission, and (3) distribution. They hold that these three are so closely connected as to be inseparable, and that no steps should be taken either through legislation or financial operations to treat each as a separate entity, or independent division of the subject. On the other hand the advocates of the giant power ideals hold that ultimately the largest economies will be produced and the public will be better served when there is such a division recognized legally as well as technically.

First, in the generation of power, the giant power people hold that this in itself, on a large scale, may be considered as being an entirely separate business. The construction of great



Piney Development on Clarion River, Pennsylvania.

power works, whether hydroelectric or steam electric, involve peculiar problems similar to those of any great manufacturing plant where attention should be concentrated on the larger economies of production. For example, they urge that while the time has not yet fully arrived, there can be no doubt but that the manufacture of electricity by means of bituminous coal must and will be closely joined with by-product recovery, and that the time is arriving when the burning of raw coal without the recovery of by-products on a large scale will be recognized as wasteful and unwise. Pre-treatment plants on a large scale are actually in use.

To expedite the building and operation of these great producing systems there must be provided certain laws aiding in the acquisition of necessary rights of way and fuels, and many things must be considered from the standpoint of the economies of production as distinct from distribution.

Second, in a similar way the giant power advocates urge that special legislation and financial arrangements should be made to facilitate the planning and building of great transmission lines, needed to carry the exceptionally heavy loads, 220,000 k. w. or more, across the country from the generating stations to the centers of distribution, many of which are being developed. Instead of merely connecting up the extensions of existing systems, as is urged by the superpower people, they, the giant power advocates, would plan in advance for these main power lines, going by the most direct and feasible routes selected for this larger use, and not made subject to chance or to the temporary profit of some person or locality.

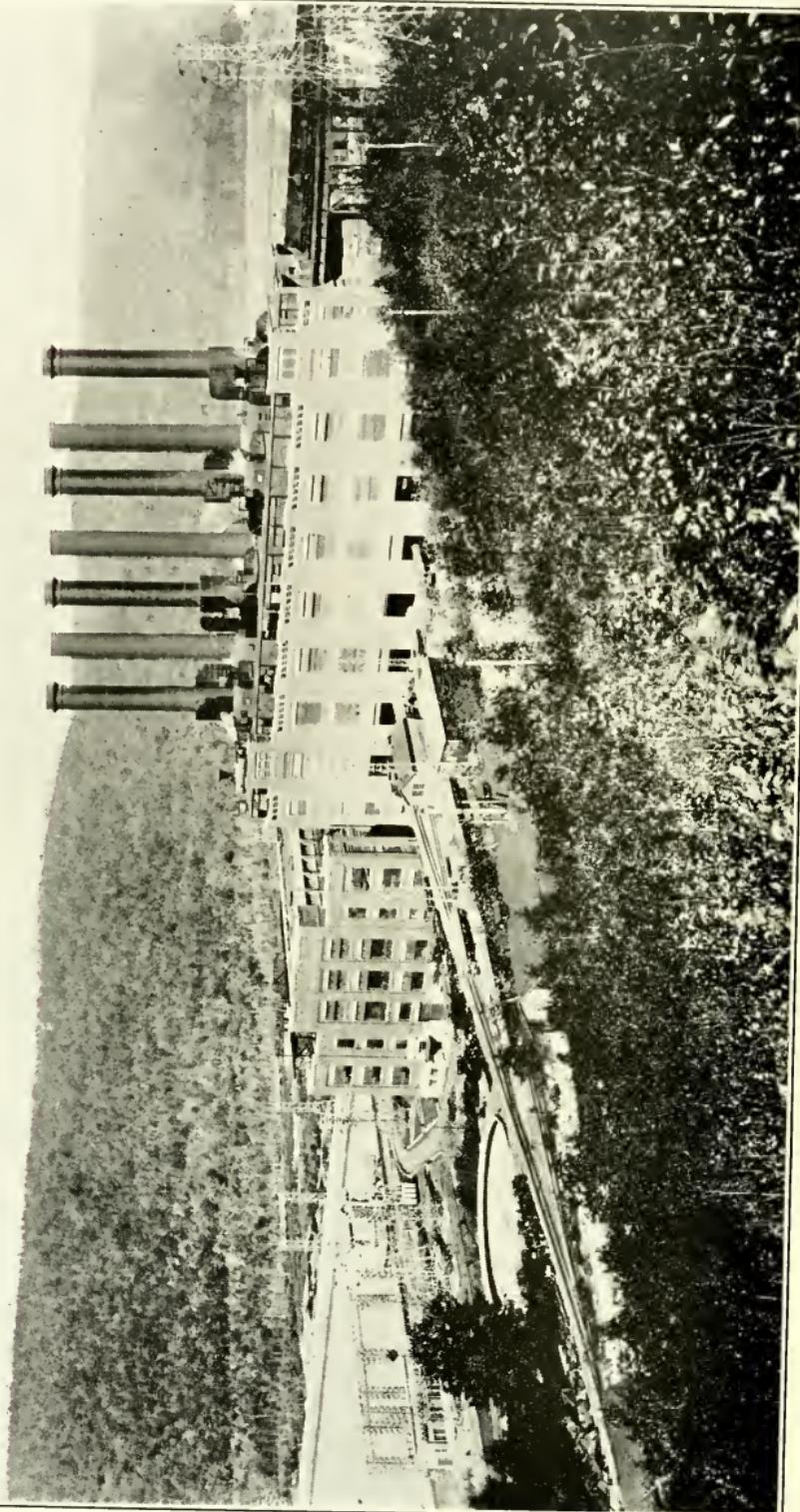
It would have been of immeasurable value to the people of the United States if in the planning of the early railroads, built during the time of great expansion, there had been some comprehension of the ultimate development of these transcontinental systems. It would have been possible at that time to have laid out a few main trunk line systems avoiding natural obstacles, securing the best grades, and planning less

with reference to local or personal profits and more with a broad view of the largest needs and greatest development of the country. Of course, it was impossible at that time to look thus far ahead, but in the case of electrical development we can do so. Already Mr. Frank G. Baum, one of the most far seeing experts has sketched out a series of transcontinental lines and has urged that construction be planned with a view to embodying these great ideas.

Third, comes the distribution of electric energy to the innumerable consumers, small as well as large.

This is a business in itself, one which has already been well developed by the numerous local systems. The giant power plan contemplates supplying the existing centers of distribution with the cheapest possible power and leaving to local control the questions of ways and means of securing the best distribution. That is to say, the thought is to separate this retail system from the wholesale production and transmission of power, providing for each of these operations the necessary facilities and expediting the work of development by such legal enactments as may enable the most economical construction and operation. At present, for example, the laws are such in Pennsylvania that scores of corporations must be formed, usually one in each township or political division, and all of these ultimately combined with corresponding delay and expense. All of these archaic barriers should be removed and every possible aid given to the builders of these works.

At this point the question is asked as to whether the giant power plans contemplate public or private ownership or control. The answer is, that either may be had without interference with the fundamental ideal. Control of the public utilities of course will remain in the State, but the works may be financed and built with public or private capital according as necessity may arise, but without interfering with the working out of the principles of conservation or of the giant power program.



Pennsylvania Power and Light Co. Hauto Steam Electric Station. Installed Generating Capacity 70,000 kw.

This also suggests another objection, namely, to the idea of recapture which is involved in the giant power scheme. It is proposed as in the case of the Federal Water Power Act that at the end of fifty years the franchise or concession given to the power companies may be terminated and if not renewed payment shall be made at the appraised value based upon prudent investment. Here again our captains of finance are opposed to the prospect of renewal of franchises at the end of fifty years fearing, as they say, that they may not receive fair treatment at the hands of the then existing State authorities.

Another objection to the giant power ideals is that the advocates of these urge the adoption of measures which will keep the control in the hands of the people most vitally interested either as investors or customers. We have gradually developed a system of finance and control by which all power is vested in a relatively small number of self-appointed dictators, men who through great ability or good fortune have been enabled to control enormous investments while themselves owning a small share and taking correspondingly little risk. The control of our power corporations, as in the case of other industries is becoming fiduciary rather than proprietary.

This has been possible by the fact that many of these great electrical corporations or consolidations depend for their money largely upon the sale of bonds, the holders of the bonds have no voting power: they look to the stockholders for payment of the interest on the bonds. There has also developed the system of preferred stock, by which the investors or holders of this stock surrender their right to control or vote, although they and the bondholders are furnishing most of the money or credit. This leaves the control in the hands of a relatively small number of holders of common stock. Experience has shown that even a small active minority of holders of this common stock, in the face of a somewhat indifferent or inactive majority, may control the

policy and may bring about consolidation of interest, interlocking directorates, and combinations with concealed profits beyond the power of the ordinary citizen to comprehend.

The assumption is made that these men who have the ability to thus control large affairs must necessarily consider the public interest in all of their manipulations. As a matter of fact this is usually true during the time of growth and development when new systems are being built, more money needed and great developments are taking place. Every incentive on the part of the promoters or captains of industry is to make a good showing to the present and prospective investors.

There comes a change, however, as has been shown in the history of the railroads and of great industries. When the development expenditures have practically ceased, and when stagnation ensues, there are no longer large promoter's profits to be made and then the promoter, as shown by past history, is tempted to become a re-organizer or even a wrecker, so that, in the rebuilding of these systems, new and larger profits may be made.

But it may be said that is the attitude of a by-gone generation. This is true, but it is safer to refer to these historical events. At the same time if a person cares to read the testimony of cases pending before the Interstate Commerce Commission on the proposed consolidations of certain railroads, he cannot get out of his mind the impression that similar wrecking is taking place to-day but in a more artistic manner.

But what bearing has this particular discussion of giant power on your local problem of anthracite mining? It has much to do with it, particularly in revealing the tendencies of the present times. These tendencies, you—as an historical society—have the peculiar privilege and duty of pointing out. There is no doubt, as shown by recent history, that whether we proceed under a theory of giant power or superpower there will be a steadily increasing use of the power, and that

this will be developed with the highest possible degree of economy. It is inevitable that this will bring about a transformation of industry such as necessarily follows when each laborer in mine, field, or factory has at his disposal not only his own muscular strength, or that of a horse or two, but more than this the strength of an indefinite number of horses to be had through the pushing of a button.

Our whole trend of evolution, as indicated in historical narratives, is toward a steadily increasing use of power per worker, with corresponding increased output, a larger return to each worker, and a consequent reduction in cost of the output per unit. The real question is not so much as to whether this will take place, but as to how and when this largest economical use of power can be brought about. At present it is stated that only about four horse power per man is employed in and about the mines; this is mainly in hoisting or transportation. Relatively little machinery is used in loading coal and, in many respects, it is claimed, the anthracite industry is in what has been termed a medieval condition.

Few facts are available concerning these important matters, but it appears that in and around the anthracite mines about three million horse power are available or at the rate of one horse power per 225 tons produced annually. About one-third of this power is purchased: approximately twenty million tons of coal are used annually in making the power which is not purchased. There are fifteen thousand steam engines averaging one hundred thirty horse power each, and fifty thousand motors.

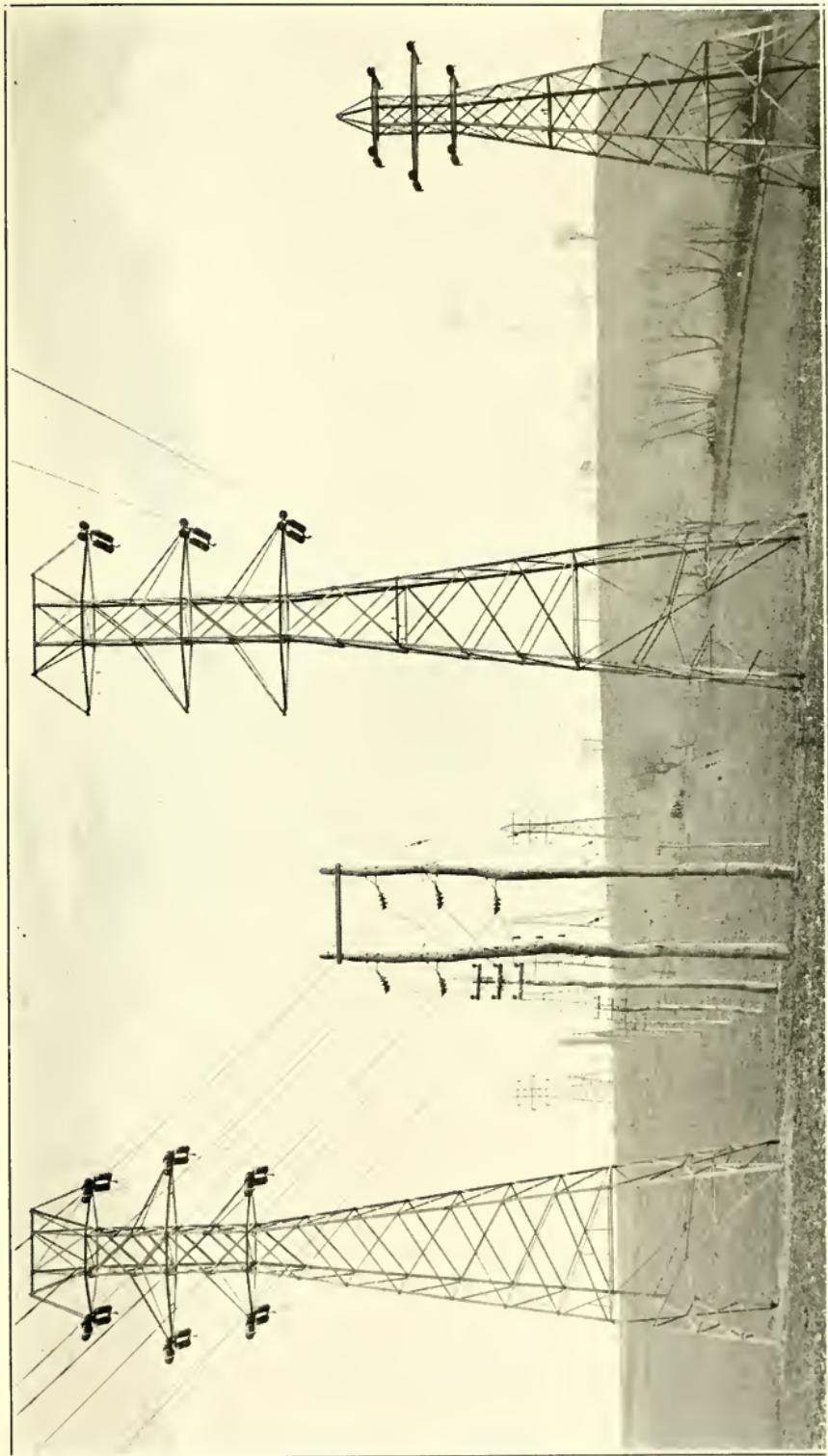
In spite of the general use of power about the anthracite mines, the production has decreased per man per day as given in the report of the United States Coal Commission. This is due largely to the increasing difficulties in thinner, deeper beds, the gains from better engineering being more than offset by the difficult natural conditions. From the mechanical standpoint it appears that the industry, relative to other occupations, is progressing slowly in its use of power, exemplified

in the decrease of output per man. This slow development is due in part to the fact that this natural monopoly is in the hands of many owners. Although it is claimed that eight companies control nearly three-fourths of the production, there are 174 smaller companies, many of them termed as marginal, that is, on the edge between success and failure. Thus it happens that while a few companies, favored by the possession of thick and easily mined beds of coal are able to produce anthracite at a large profit, and might utilize profitably more power and machinery, yet a great number of the operators now mining coal with difficulty, and often at a loss, are unable to make progress. The overshadowing question is as to how, or in what way, the easily mined and therefore cheaper coals can be made to carry a part of the cost of extracting the more expensive or less valuable sizes. Unless or until some practical solution is brought to this problem the tendency will be to "take the cream and throw away the skim milk," violating the principles of conservation, and practically robbing future generations of what may be termed their proper share in this great natural monopoly.

Cheap power is one factor and possibly the greatest factor in the solution of these important questions of conservation. Time alone will show the importance of this factor, but we may safely predict that with an ample supply of power produced wholesale at the lowest possible cost, and wisely applied to reduce human drudgery, there will be a transformation in the conditions of living in the Wyoming Valley and elsewhere, not only in the homes and factories but perhaps more than all else in the mines on which your prosperity depends.

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